



## AGENDA

### SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, January 22, 2018  
5:45 p.m.

Conference Room 303 · Shoreline City Hall  
17500 Midvale Avenue North

**TOPIC/GUESTS:** Joint Meeting with Shoreline Planning Commission

### SHORELINE CITY COUNCIL REGULAR MEETING

Monday, January 22, 2018  
7:00 p.m.

Council Chamber · Shoreline City Hall  
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>		7:00
<b>2. FLAG SALUTE/ROLL CALL</b>		
<b>3. REPORT OF THE CITY MANAGER</b>		
<b>4. COUNCIL REPORTS</b>		
<b>5. PUBLIC COMMENT</b>		
<i>Members of the public may address the City Council on agenda items or any other topic 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 testimony is being recorded. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
<b>6. APPROVAL OF THE AGENDA</b>		7:20
<b>7. CONSENT CALENDAR</b>		7:20
(a) Approving Minutes of Regular Meeting of November 6, 2017	<u>7a1-1</u>	
Approving Minutes of Regular Meeting of November 14, 2017	<u>7a2-1</u>	
(b) Approving Expenses and Payroll as of January 5, 2018 in the Amount of \$1,520,349.76	<u>7b-1</u>	
(c) Adopting Ord. No. 810 – Granting a Non-Exclusive Franchise to Verizon Access Transmission Services to Construct, Operate, and Maintain a Telecommunications Fiber Optic System with the City Rights-of-Way, Excluding the Aurora Avenue N. Corridor	<u>7c-1</u>	
(d) Adopting Ord. No. 812 – Amending the 2018 Budget and Salary Table to Include Appropriations and the Classification of B&O Tax Analyst Necessary to Implement the Business & Occupation Tax	<u>7d-1</u>	
<b>8. ACTION ITEMS</b>		

- |   |             |      |
|---|-------------|------|
| (a) Adopting Ordinance No. 811 – Rezone PLN17-0062 at 903, 909 and 915 N 167th Street | <u>8a-1</u> | 7:20 |
|---|-------------|------|

**9. STUDY ITEMS**

- |   |             |      |
|---|-------------|------|
| (a) Discussion of Ordinance No. 789 Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, 20.70, 20.80, 20.230 and Amending Municipal Code Section 13.12.700 | <u>9a-1</u> | 7:30 |
|---|-------------|------|

**10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i)** 8:00

*The Council may hold Executive Sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session the presiding officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time a public announcement shall be made that the Session is being extended.*

**11. ADJOURNMENT** 9:00

*The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at [www.shorelinewa.gov](http://www.shorelinewa.gov). Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.*

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

Monday, November 6, 2017  
7:00 p.m.

Council Chambers - Shoreline City Hall  
17500 Midvale Avenue North

**PRESENT:** Mayor Roberts, Deputy Mayor Winstead, Councilmembers McGlashan, Scully, Hall, and McConnell

**ABSENT:** Councilmember Salomon

**1. CALL TO ORDER**

At 7:00 p.m., the meeting was called to order by Mayor Roberts who presided.

**2. FLAG SALUTE/ROLL CALL**

Mayor Roberts led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmembers McConnell and Salomon.

Councilmember Hall moved to excused Councilmember Salomon for personal reasons. The motion was seconded by Councilmember McGlashan and passed unanimously, 5-0.

**(a) Proclamation of Veterans Appreciation Day**

Mayor Roberts read a proclamation declaring Saturday, November 11, 2017, as Veterans Appreciation Day in the City of Shoreline. Dwight Stevens, members of the Shoreline Veterans Association, and Veteran Ken Potts of the 101<sup>st</sup> Airborne Division accepted the proclamation. Mr. Stevens invited everyone to the Veteran's Day Program on Saturday, November 11, 2017 at City Hall, and said it was an honor to serve and to receive the proclamation. Mr. Potts thanked the Council and said he accepts the proclamation on behalf of those who served and did not make it back and for those who are still there. He said he is not a hero but had the distinct pleasure of serving alongside those who were.

At 7:03 p.m. Councilmember McConnell arrived to the meeting.

**3. REPORT OF CITY MANAGER**

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

**4. COUNCIL REPORTS**

Councilmember Hall reported attending the Association of Washington Cities (AWC) Meeting where he welcomed 25-30 elected officials to AWC's Regional Meeting in Edmonds. He shared that they discussed legislative priorities, shared cities' successes and challenges, and said Shoreline is not alone facing issues related to addiction, mental health, traffic, and housing, and that other cities are also dealing with these issues.

Councilmember McConnell reported attending the SeaShore Transportation Forum Meeting and said they were provided reports by Metro Connect and Community Transit about extending existing bus routes and adding new ones before the Light Rail Stations open.

Mayor Roberts announced that the City's website was recently updated to make it more user friendly, and invited everyone to take a look at it. Deputy Mayor Winstead shared that she likes the new residents' page and all the valuable information it contains.

Mayor Roberts stated that the Council met with Lake Forest Park and Kenmore City Councils at tonight's Dinner Meeting to discuss collaborating around Sound Transit 3 and issues related to sheltering and assisting the senior population.

5. PUBLIC COMMENT

Lindsay Hanna, Shoreline resident and Forterra Representative, commented that the Landscape Conservation and Local Infrastructure Program (LCLIP) encourages Transfer Development Rights (TDR) which would generate new revenue for the City to help pay for infrastructure investments to support planned growth. She shared that the 145<sup>th</sup> Street and 185<sup>th</sup> Street Light Rail Station Subarea rezones could accept the credits. She said Forterra respectfully disagrees with staff's recommendation to not pursue the program and explained why. She said an updated analysis should be completed and would provide a clearer picture of the benefits of using the program.

Michael Murphy, King County TDR Program Manager stressed the importance of the TDR working for the City, County and the developers, and said he is eager to find a solution that works for all. He clarified that the only risk for not meeting milestones is that the County will discontinue the revenue share, and pointed out that if milestones are met the revenue share the City will receive can be up to 75% of the County's share of property tax revenues. He said the County is willing to share in the cost of updating the analysis report, stressed the importance of LCLIP to protect land, and urged the Council to keep conversations moving forward.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

**Upon motion by Deputy Mayor Winstead and seconded by Councilmember Hall and unanimously carried 6-0, the following Consent Calendar items were approved:**

- (a) Approving Minutes of Regular Meeting of October 2, 2017**
- (b) Adopting Ordinance No. 804 - Seattle Public Utilities Franchise Amendment**
- (c) Motion Authorizing the City Manager to Enter into an Agreement with the Shoreline Fire Department to Accelerate the Fire Review for the School District Development Permits**
- (d) Motion Authorizing the City Manager to Enter into an Agreement with the Shoreline School District for Accelerated Permit Processing**

8. ACTION ITEMS

- (a) Public Hearing and Discussing Ordinance No. 807 - 2018 Property Tax and Revenue Sources

Sara Lane, Administrative Services Director, and Rick Kirkwood, Budget Manager, provided the staff report. Ms. Lane shared that the 2018 Budget is available at Shoreline Libraries, City Hall, and on the City's Website. She shared tonight's emphasis will be on revenues and that 2018 Revenues total \$85.142 Million. She said revenue sources are \$8.690 Million in Use of Beginning Fund Balance and represents 10% of the total budget; \$27.091 Million in Taxes and represents 32% of the total budget; \$6.740 Million in Utility Taxes, Franchise Fees and Contract Payments and represents 8% of the total budget; \$11.537 Million in Fees and Permits and represents 14% of the total budget; \$8.644 Million in State and Federal Funding and represents 10% of the total budget; \$6.383 Million in Grants and represents 7% of the total budget; \$7.087 Million in Transfer Between Funds and represents 8% of the total budget; and \$8.970 Million in Other and represents 11% of the total budget. She reviewed each fund in detailed. She shared that the General Fund Operating Resources is \$48.099 Million, and that the General Fund Operating Revenue is \$41.917 Million. She provided a detailed breakdown of revenue sources and noted the three major revenue sources are Property Tax, Sales Tax, and Franchise Fee/Contract Payments.

Ms. Lane stated that Ordinance No. 807 Regular Levy sets the levy at \$12.760 Million, a levy rate of \$1.31/\$1,000 Assessed Value, and represents 30.4% of Operating Revenues. She reviewed how the levy rate and the McCleary Decision to fund education will impact Shoreline property owners. She shared the Surface Water Utility Fee shows a \$45 annual rate increase to support the Surface Water Proactive Management Strategy Plan. She explained that the Wastewater Utility Fund Fee rate is set by the Ronald Wasterwater District (RWD) Board and that RWD retains all the funds; the City is then reimbursed \$2.3 Million by RWD for the cost of operating the Utility. She reviewed how sales taxes are allocated, and explained that for each \$10 spent in Shoreline, \$1.00 of sales tax is generated, and the City receives 8.5 cents of that sales tax, representing 20.1% of Operating Revenues.

Ms. Lane then reviewed the following capital fund revenues:

- Vehicle license fees revenue currently set at \$20, generating \$780,000 annually and Council has the authority to increase it by an additional \$20 to replace General Fund Contribution to Roads Capital, and for other transportation projects
- Real Estate Excise Tax is restricted and used for specific public works projects in the Comprehensive Plan and for Debt Services.

At 7:32 p.m. Mayor Roberts opened the Public Hearing. There was no one in the audience who wished to provide Public Comment and the Mayor closed the Public Hearing. He shared that public comment regarding this item can be provided at the Public Hearing scheduled for November 13, 2017 and at the 2018 Budget Adoption scheduled for November 20, 2017.

Mayor Roberts requested an amendment to the 2018 Budget to pay for membership to the United States Conference of Mayors. He said he finds their work of value and will assist with working with the Federal delegation. Deputy Mayor Winstead asked for a cost benefit analysis and expressed the organization was more appropriate for a strong mayor type of government.

## 9. STUDY ITEMS

### (a) Discussing Landscape Conservation and Local Infrastructure Program (LCLIP)

Steve Szafran, Senior Planner, explained that the Landscape Conservation and Local Infrastructure Program (LCLIP) creates incentives for land conservation in the County and infrastructure improvements in the City. He said it encourages the transfer of development rights (TDR) with a public financial tool, credits added development potential in exchange for the preservation of natural and rural land in the County, and provides greater tax revenues for city infrastructure improvements. He explained the benefits and risks of participating in the program, and stated staff's recommendation is to not implement it at this time.

Councilmember Scully asked about the disconnect between the information provided in the staff report and what the Forterra Representatives said about LCLIP, and when the City would be obligated to buy credits. Mr. Szafran responded that the City is not obligated to buy credits. Ms. Lane added that the financial risk occurs if the City issues debt to account for a revenue stream that is no longer provided by LCLIP. Councilmember Hall added that the issuance of a bond will require payment of the debt from other revenue streams.

Councilmember Hall shared that he would like to keep moving forward to take advantage of TDR. He agreed that Shoreline already offers a lot of incentives through form based code, but suggested TDR credits could be bought to get above the 70' height limit without requiring a developer agreement. He said he would also be comfortable considering allowing a limited number of developments to use TDR in lieu of housing affordability requirements. He conveyed that he does not want to do anything that would cost tax payers money, and noted that the program is worth implementing even though only a handful of cities have done so. He talked about the region's rapid growth and the City's goal to densify Shoreline. He stressed the need to preserve rural open spaces, farmland, and forests since they contribute to the quality of life in the

region. He said moving forward with TDR is consistent with other actions the Council has taken like the Mountain to Sound Greenway Designation and Tree City USA.

Councilmember Scully said he agrees with Councilmember Hall on the benefits of the program, and talked about the difficulty of getting developers to buy credits. He stated that he hesitates to look at amending the affordable housing protections and said he does not want to lose those, or sacrifice one for the other. He proposed height options could include adding an extra story, or the City could consider dropping maximum allowable height if a Developer does not participate in affordable housing or LCLIP. He expressed that he shares staff's concerns over whether this program will work long term, but said it is too soon to discontinue the process. He cautioned the City to never go out for a bond counting on LCLIP as a revenue source.

Councilmember McGlashan asked if the program requires the City to choose between affordable housing and TDR, and questioned why there cannot be both. Mr. Szafran responded that the affordability component is not associated with the 8-Year Property Tax Exemption Program (PTE), and conversely the 12-Year PTE requires developers to provide 20 units of affordable housing, and sees it as a one or the other situation. Ms. Lane added that developers would either payout money up front for the TDR, or get a long property tax exemption, and after doing the math they would choose one or the other. Mr. Szafran and Ms. Lane agreed that the Council could require a mandate. Councilmember McGlashan agreed to continue moving forward on this matter.

Deputy Mayor Winstead said she appreciates being presented both sides of the program and believes that the Council should not give up on it yet. She said she does not want to bond against something that is not a permanent revenue stream. She shared that she recently visited a hiking trail and commented on it being jammed packed, and said recreation opportunities in the region are desired and needed. She also expressed that she does not want to sacrifice affordable housing for the program.

Mayor Roberts said he generally agrees with his colleagues, but thinks that there are other priorities that should come before implementing LCLIP, and could include purchasing credits at the developer agreement level. He said it seems the majority of Councilmembers want to move forward with TDR, but he is not sure if LCLIP is the right program for Shoreline. He recommended revising the developer agreement to identify what the Council wants in exchange for providing additional height options. He asked how many developers are required to purchase credits at the minimum level to determine if the program is viable, and how credits are calculated. Ms. Lane responded that they would need to calculate that information and report it back to the Council. Mr. Szafran added that the Council's makes the determination on how much they want to buy into the program, and can commit to all the credits or something less. Rachael Markle, Planning and Community Development Director, responded that it is the City's discretion to determine how many credits would be required to add a floor above the height requirements.

Councilmember Hall pointed out that there are ways to reduce the transaction costs of getting into the program like adopting model language, instead of using an interlocal agreement, and establishing the regional marketplace that is allowed under State Law. He said he wants staff to

continue working on the proposal, an updated analysis, and to talk about it at the Goal Setting Retreat, the Planning Commission Joint Meeting, and to get something in place by 2020.

Councilmember Scully clarified that his comments were pertaining to the LCLIP because there would be no tax revenue benefit to the City for just a TDR Program.

(b) Discussing Ordinance No. 805 - Final 2017 Budget Amendment

Sara Lane, Administrative Services Director, provided an overview of the 2017 Final Budget Amendment, stated the total amendment request shows a \$16,905,561 decrease, primarily because the Wastewater Utility Fund reflects ten weeks of operational costs instead of a year. She said the Amendment is scheduled for adoption with the 2018 Budget on November 20, 2017.

(c) Discussing Ordinance No. 799 - Amending Shoreline Municipal Code Section 2.30.040 Establishing Maximum and Minimum Allotments for Employee Health Benefits

Paul Itaoka, Human Resources Director, explained that the City's current medical plans terminate January 1, 2018, and that Ordinance No. 799 establishes contributions towards new employee health plans and makes housekeeping corrections. She stated the next best plans have lower premiums and greater cost sharing at the point of service. She shared that to assist employees in the transition to the new plans the City is freezing its contributions at 2017 levels until the formula results in an increased contribution, which could take anywhere from one to three years.

10. ADJOURNMENT

At 8:13 p.m., Mayor Roberts declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

Tuesday, November 14, 2017  
Continued from November 13, 2017  
7:00 p.m.

Council Chambers - Shoreline City Hall  
17500 Midvale Avenue North

**PRESENT:** Mayor Roberts, Councilmembers McGlashan, Scully, Hall, and Salomon

**ABSENT:** Deputy Mayor Winstead and Councilmember McConnell

**1. CALL TO ORDER**

At 7:00 p.m., Mayor Roberts reconvened the continuation of the November 13, 2017 Regular City Council Meeting.

**2. FLAG SALUTE/ROLL CALL**

Mayor Roberts led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Deputy Mayor Winstead and Councilmember McConnell.

Mayor Roberts announced that Deputy Mayor Winstead is absent for personal reasons and Councilmember McConnell is absent to conduct city business.

**(a) Proclamation of America Recycles Day**

Mayor Roberts read a proclamation proclaiming November 15, 2017 as America Recycles Day in the City of Shoreline. Meridian Park Elementary School Green Team Students accepted the proclamation and took a photograph with the Mayor.

**3. REPORT OF CITY MANAGER**

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

**4. COUNCIL REPORTS**

Councilmember Hall reported attending the Puget Sound Regional Partnership Meeting and hearing the State of the Sound Report on the progress of protecting the Puget Sound. He shared that although the efforts are making a difference, they are nowhere near what is needed to meet long term targets, particularly Chinook salmon and Orca whale targets.

Mayor Roberts announced that the Sound Cities Association adopted their Legislative Agenda which includes adjusting the property tax cap, investing in public health services, addressing the housing and homelessness crisis, investing in the State's behavioral health system, and enacting legislation to prohibit source of income discrimination.

5. PUBLIC COMMENT

Rev. Kelly Dahlman-Oath, Ronald United Methodist Church, shared that he partnered with the City to open Compass Housing and the Hopelink food bank, and understands that the homeless situation is not solved. He said the Church allows people to sleep in their car in the parking lot while they wait for housing. He explained while it is not a good solution, prohibiting human habitation in vehicles will create legal issues and make it more difficult for homeless persons.

Christine Gildon, Richmond Beach resident, shared that she was part of the team that developed the Richmond Beach Neighborhood Traffic Study, and noted that there are problems with the Richmond Beach Road Rechannelization Project. She explained that the City Council is not getting what they asked for and stressed that two lanes going up Richmond Beach Road, between 8th Avenue and 15th Avenue NW, are needed because of the steep hills and blind spots. She requested that the Public Works Department review the data because the proposed rechannalization will not be safe. She asked the Council to ensure that there is a review process, funding to repaint the road, and provided data for them to review.

Norma Jordan, Shoreline resident, said she cannot imagine one lane going up Richmond Beach Road. She asked the City not to discount the Richmond Beach Neighborhood Traffic Study, and noted safety was the first priority of the study. She shared that she had two fender benders on the road in front of QFC and was told by Police Officers that it is a famous place for accidents. She submitted her notes to the Council to review.

Glen Halverson, Richmond Beach resident, commented that he is passionate about Richmond Beach, and explained why four lanes are needed for tanker truck traffic. He talked about the history of Richmond Beach and said there is always a lot of activity there. He said school and Metro buses will constrict traffic and shared how the added travel time on the road will increase emissions. He said Richmond Beach Road is the Community's life line.

Sherry Hill, Richmond Beach resident, expressed concern about the poor public process regarding the Richmond Beach Road Rechannalization project and said advertising for the meeting was poorly done. She said she had to request flyers to distribute herself and that no City Councilmembers were present at the meeting. She said the Plan has been reverse engineered with one predetermined outcome in mind, without public input or buy in. She cautioned that traffic will cut through neighborhood streets not designed to serve as arterial streets.

Lauri St. Ours, Director of Government and Labor Relations for the Washington State Health Care Association, said she recently asked the Council to help residential long-term care providers with the Business and Occupation (B&O) Tax proposal by exempting Medicaid revenues and recognizing that there is no opportunity to recoup these dollars. She asked the Council to consider taxation at the lower retail rate, rather than service rate, because of their low profit

margin, and to acknowledge that the consumers that will ultimately bare the cost are often on low fixed incomes.

Jackson Owen, Shoreline Health and Rehabilitation Administrator, asked the Council to exempt Medicaid dollars from the B&O Tax, and said the State of Washington currently does. He said the majority of their residents are on Medicaid, noted their profit margins are extremely small, and that they often operate their facilities at a loss.

Brian Newberry, owner of two skilled nursing facilities in Shoreline, voiced his support for the exemption of the B&O Tax on Medicaid dollars. He talked about the important services they offer the Community, and explained that they do not generate earning from Medicaid dollars.

Rev. Bill Kirlin-Hackett, Interfaith Task Force on Homelessness Director, talked about Shoreline's involvement in addressing homelessness and cautioned the City against implementing city codes that criminalize homelessness. He distributed information addressing people living in vehicles and talked about Seattle's approach to address this issue. He stated that there have been no cars impounded from people living in them over the last six and half years due to the work performed by the Task Force. He pointed out that two-thirds of homeless people in King County are living in their vehicles in Seattle. He said the Task Force focus is on public safety and harm reduction.

#### 6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

#### 7. CONSENT CALENDAR

**Upon motion by Councilmember McGlashan and seconded by Councilmember Hall and unanimously carried, 5-0, the following Consent Calendar items were approved:**

**(a) Approving Minutes of Special Meeting of October 30, 2017**

**(b) Approving Expenses and Payroll as of October 27, 2017 in the Amount of  
\$3,926,321.86**

**\*Payroll and Benefits:**

<b>Payroll Period</b>	<b>Payment Date</b>	<b>EFT Numbers (EF)</b>	<b>Payroll Checks (PR)</b>	<b>Benefit Checks (AP)</b>	<b>Amount Paid</b>
9/24/17-10/7/17	10/13/2017	74638- 74864	15263-15279	68343-68349	\$568,988.35
					<u>\$568,988.35</u>

**\*Wire Transfers:**

<b>Expense Register Dated</b>	<b>Wire Transfer Number</b>	<b>Amount Paid</b>
10/26/2017	1126	\$7,557.65
		<u>\$7,557.65</u>

**\*Accounts Payable Claims:**

<b>Expense Register Dated</b>	<b>Check Number (Begin)</b>	<b>Check Number (End)</b>	<b>Amount Paid</b>
10/12/2017	68259	68278	\$449,117.12
10/12/2017	68279	68305	\$45,109.64
10/18/2017	68306	68307	\$57,656.09
10/18/2017	68308	68308	\$1,589.63
10/19/2017	68309	68322	\$1,257,199.15
10/19/2017	68323	68342	\$171,543.84
10/26/2017	68350	68370	\$332,524.41
10/26/2017	64847	64847	(\$175.20)
10/26/2017	68371	68371	\$175.20
10/26/2017	68372	68399	\$1,032,619.91
10/26/2017	68400	68407	\$2,416.07
			<u>\$3,349,775.86</u>

- (c) Adopting Ordinance No. 802 - 2017 Comprehensive Plan Annual Docket Amendments
- (d) Adopting Resolution No. 420 - Amending the Authorized Individuals for Investments in the Washington State Local Government Investment Pool
- (e) Authorizing the City Manager to Increase the Janitorial Services Contracts with Varsity Facilities Services in the Amount of \$63,097 to Clean Shoreline City Hall Including the Police Addition
- (f) Authorizing the City Manager to Enter into a Grant Agreement with the King County Best Start for Kids Youth Development in the Amount of \$543,355 for Youth Outreach Leadership and Opportunities
- (g) Authorizing the City Manager to Execute a Contract with Hough Beck & Baird Inc. (HBB) Landscape Architecture, in the Amount of \$127,226 for Shoreline Parks Concept Design Plans

## 8. ACTION ITEMS

- (a) Public Hearing and Discussing the Proposed 2018 Budget and 2018-2023 Capital Improvement Plan

Sara Lane, Administrative Services Director, and Rick Kirkwood, Budget Supervisor, provided the staff report. Ms. Lane reviewed the 2018 Budget schedule, and said the Budget is available at Shoreline Libraries, on the City's website, and at City Hall. She reviewed that the 2018 Budget totals \$85.142 Million and said tonight's presentation focuses on expenditures. She stated 2018 Expenditures total to \$79.939 Million and include: \$44.204 Million in City Services representing 55% of total expenditures; \$15.921 Million in Facilities, Parks and Transportation Capital Projects representing 20% of total expenditures; \$5.999 Million in Surface Water Utility representing 7% of total expenditures; \$2.112 in Wastewater representing 3% of total expenditures; and \$11.702 Million in Other representing 15% of total expenditures. She presented a table showing the Budget by Fund and a chart showing Operating Revenues by Source. She said Property Tax, Sales Tax, Franchise Fee/Contract Payments, and Utility Tax make up the major tax revenues. She reviewed 2017 and 2018 Operating Revenue Comparisons and said a small growth is projected. She stated the Operating Budget Expenditures is \$49.039 Million, and noted that Public Safety makes up the largest portion at 31%.

Ms. Lane stated the 2018 Capital Improvement Plan (CIP) is \$16.471 Million and includes: \$11.130 Million for Transportation representing 68% of the CIP Budget; \$5.188 Million for Facilities and Parks representing 31% of the CIP Budget; and \$153,000 in Facilities Major Maintenance representing 1% of the CIP Budget.

Ms. Lane stated that the Surface Water Utility operates as an enterprise, its expenses total to \$6.926 Million, and include: \$4.440 Million for the Operating Budget; \$1.617 Million for the Capital Budget; and \$869,000 for Debt Service.

At 7:44 p.m., Mayor Roberts continued the Public Hearing from November 13, 2017, and seeing no one wanting to provide comment, he closed the Hearing.

Ms. Lane reviewed the recommended fee changes include: increasing Consumer Price Index-Urban Consumers (CPI-U) to 2.99%; incorporating cost recovery objectives; and increasing the Surface Water Utility Fee by 27% to deliver the Proactive Management Strategy.

Ms. Lane shared that 2018 General Reserves totals to \$13.794 Million.

Ms. Lane reviewed 2018 Proposed Budget Amendments are:

- Proposed Amendment 1 (Mayor Roberts)  
Increase General Fund allocations by \$11,500 to join the United States Conference of Mayors and associated travel costs.
- Proposed Amendment 2 (Councilmember Salomon)  
Reduce the General Fund appropriations by \$80,000 by eliminating the Salmon Safe Certification program.
- Proposed Amendment 3 (Councilmember Salomon)  
Amend Fee Schedule 3.01.015 Transportation Impact Fees by reducing fees by 0.4%.

- Proposed Amendment 4 (Councilmember Scully)  
A request to fund the PROS Plan Item 41, Firlands Way Park Greenway Development.

Ms. Lane explained that Ordinance No. 806 is for the 2018 Operating and 2018 CIP Budget Adoption in the amount of \$79,983,694; and that Ordinance No. 807 is for the Regular Property Tax Levy with an increase of \$367,792, or 2.99%, and other allowed increases; and is scheduled for adoption on November 20, 2018.

Councilmember Scully said he wants to co-sponsor Amendment 2, and clarified that the \$30,000 will not be dedicated to Salmon Safe public outreach, but to support environment issues. He stated he would like an amendment to preserve the \$30,000 for sustainability efforts, and to reduce the Budget by \$50,000 to eliminate the Salmon Safe Certification.

Councilmember Salomon asked clarifying questions about the Firlands project. Ms. Tarry responded that the project is in the PROS Plan and it is not scheduled to be funded at this time. She said staff will follow up with additional information to the Council about the project.

Mayor Roberts explained that although \$11,000 would be budgeted for the Mayor's Conference, it will only be spent if the Mayor attends both conferences. He said he has noticed how well the conference has advocated for federal legislation beneficial to cities. Councilmember Hall requested information on how much money in recent years has been spent on travel for Mayors, for an updated table showing the cost and role of the City's membership organizations, and what support they provide to the City. Councilmember McGlashan asked for numbers identifying how many strong Mayors attend the conference versus Mayors from a City Council-City Manager form of government.

(b) Adopting Ordinance No. 803 - Amendments to SMC Chapter 10.05 Model Traffic Ordinance Adding Parking Restriction for Bicycle, Transit and Turn Only Lanes

Kendra Dedinsky, Traffic Engineer, reviewed amendments proposed in Ordinance No. 803 are as follows:

- No parking within designated bike lanes
- No parking within designated bus lanes
- No parking within designated turn lanes
- 72 hour time limit for parking before vehicle must be moved.

She recalled Council's October 30, 2017 discussion about the Model Traffic Ordinance, and noted that Council expressed concern about criminalizing homelessness by restricting human habitation in the right-of-way, and the consideration of removing the 72 hour maximum time limit for boats parked in the right-of-way. She explained that staff needs additional time to study the human habitation piece in more detail before recommending changes to the Municipal Code. She said staff did not find any regional examples to exempt boats from the maximum time parked rule, and explained why it would appear to be discriminatory.

**Councilmember Scully moved to not adopt any of the proposed changes in Ordinance No. 803, and to reschedule consideration of it at a time staff can come back with a solution for human habitation. The motion was seconded by Councilmember Salomon.**

Councilmember Scully noted Council's concern with the human habitation piece, and stated the motion provides staff more time to come up with options, and allow for public input.

**Councilmember Hall declared Point of Order and asked for clarification of the motion.**

At 8:03 p.m., Mayor Roberts called a five minutes recess to confer with the City Attorney and City Clerk. The meeting was reconvened at 8:08 p.m.

**Councilmember Scully withdrew his motion and moved to continue the discussion of Ordinance No. 803 on a date certain of February 5, 2018. The motion was second by Councilmember Salomon.**

Councilmember Salomon reiterated his concern about Section 19, the 72 hour parking time limit and the human habitation piece. He said his initial proposal was intended to allow human habitation in vehicles for 72 hours. He proposed working with the faith community on this issue and crafting a better proposal. He said he supports moving the discussion to February 5, 2018.

Councilmember Hall opposed the motion and explained that he wants to focus on addressing the issue of parking in bike and bus lanes now to correct a known problem presented by staff. He agreed that human habitation is a problem and needs to be address. He said people need options other than sleeping in vehicles and recommended working with churches and other agencies to address homelessness. Councilmember McGlashan concurred and said he will also not be supporting the motion. He said he would like to hear from the faith community and human service agencies. He pointed out that since the City restriped the bike lanes that this has become a more urgent matter.

Councilmember Scully expressed that human habitation is an urgent matter that needs to be addressed as soon as possible, and shared that he does not want it postponed due to other city workplan priorities.

Mayor Roberts stated he is also opposing the motion, and explained that the Council can direct staff when to bring back the human habitation piece.

Councilmember Salomon said he supports passing Ordinance No. 803 tonight with the exception of Section 19. He said he does not believe human habitation should be allowed in cars for a long period of time, and was hoping to limit it to 72 hours once or twice a year. He said he would also like to hear from members of the community. Ms. Dedinsky responded that the intent of 72 hour time limit was to keep inoperable vehicles off of the right-of-way.

**The motioned failed 2-3, with Councilmembers Scully and Salomon voting yes.**

**Councilmember Hall moved Ordinance No. 803. The motion was seconded by Councilmember McGlashan.**

**Councilmember Hall moved to amend the motion to strike Section 19 from the Ordinance. The motion was seconded by Councilmember Scully.**

Councilmember Hall shared that the Ordinance will help keep people safe in the bike lanes. He said he would like staff to bring back the issue of human habitation in vehicles and parking time limits at another time.

**The motion to strike Section 19 of Ordinance No. 803 passed unanimously, 5-0.**

**The motion to adopt Ordinance No. 803, as amended passed, unanimously, 5-0.**

**Councilmember Hall moved to ask staff to work with the faith community and other human services and housing partners to bring options and a recommendation to Council for addressing human habitation in vehicles and a time limit for parking, no later than March 31, 2018. The motion was seconded by Councilmember Salomon.**

Councilmember Hall said he agrees with Councilmember Scully's previous motion regarding human habitation and that this motion allows staff time to work with the faith community and other providers on this issue.

Mayor Roberts asked for staff input about complying with the March 31, 2018 date. Ms. Tarry responded that she will confer with staff and let the Council know if the date cannot be accommodated in their work plans.

**The motion passed unanimously, 5-0.**

9. **STUDY ITEMS**

(a) **Discussing Ord. No. 808 - Business and Occupation Tax**

Sara Lane, Administrative Service Director, and Rick Kirkwood, Budget Supervisor, provided the staff report. Ms. Lane provided background regarding the consideration of the Business & Occupation (B&O) Tax as Strategy 6 of the 10 Year Financial Sustainability Plan (YFSP), and reviewed outreach performed to businesses. She reviewed that Proposed Ordinance No. 808 is authorized under RCW 35A.82.020, aligns with the State's Model B&O Tax Ordinance, and creates two new sections in the Shoreline Municipal Code.

Ms. Lane presented the 10-YFSP Forecast Model noting that in 2020 expenditures will exceed revenues. She explained that the B&O tax will help the City address long-term structural imbalances and push out the financial gap to 2023. She conveyed that data includes current operating expenses, but does not address one-time unmet needs. She displayed a chart depicting commercial versus non-commercial share of the property tax levy, and pointed out that the commercial property tax percentage is decreasing.

Ms. Lane reviewed the policy questions for the Council to address are: rate of tax; creation of a classification for residential care facilities; exemptions and deductions; filing exemption threshold; exemptions and deductions, credits and allocations; deduction for State Medicaid payments; and effective date. She stated staff's recommendations are to set a tax rate at .001 for all classification other than service, which would be set at .002; no separate classification for residential care facilities; a filing exemption threshold of \$200,000 annually, \$50,000 quarterly; implement mandatory and standard exemptions and deductions, and exempt revenues subject to other City gross receipts tax, and from non-profits; implement mandatory and standard deductions, credits and allocations; allow deduction for State Medicaid payment; and an effective date of January 1, 2019. She then reviewed implementation steps and said the Ordinance is scheduled for adoption on December 4, 2017.

Councilmember Scully asked how the City will collect the tax and how revenue is accessed from online businesses. Ms. Lane responded that tax returns are sent to registered businesses on a quarterly or annual basis, and that payments can be made through the mail, or online. She said it will be a challenge to identify online businesses and that the City will work with the State to identify them. Councilmember Scully asked if there is a legal reason why the City cannot assign the .001 rate to the long term care facilities. Ms. Lane responded that it is a policy choice.

Councilmember McGlashan said he is supportive of 10-YFSP recommendations. He expressed concern if the implementation time is right, and questioned how it would impact economic development and recruiting new businesses to Shoreline. He asked if the tax should be postponed one year, and if the filing exemption should be closer to \$500,000.

Councilmember Hall stated he supports the tax to meet unfunded needs. He said he would prefer a state income tax and that it would be a fairer way to distribute the burden to pay for government services. He said although the B&O tax is imperfect, it is the only direct way to collect revenues from businesses. He pointed out that twice in the past seven years the property tax levy lid lift has passed and the burden to pay for city services has been place on the residents. He said implementing the B&O tax shifts some of the burden to businesses and makes the system somewhat more equitable. Councilmember Scully said he concurs with Councilmember Hall and that the item should not be on the Consent Calendar to allow for additional public input.

Councilmember Salomon expressed that he does not think it is a good idea to implement a tax when the City is not running at a deficit, and suggested coinciding implementation with the projected deficit. He expressed concern that businesses with high revenues but low profit yields are taxed at the same rate as businesses with higher profit yields, and said this could be unfair.

Mayor Roberts stated he is in favor of B&O Tax. He stated it is the only way the City can receive taxes from businesses, but said he is not convinced that the way it is collected is fair. He added that not having the tax could make Shoreline more attractive for businesses to locate here. He said if the Council moves forward with implementing a B&O Tax that he agrees with the staff recommendations.

Councilmember Salomon stated that tax dollars, like Medicaid, should not be taxed, and asked for more information on what other revenue can qualify for exemptions.

10. ADJOURNMENT

At 8:54 p.m., Mayor Roberts declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

DRAFT

## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Approval of Expenses and Payroll as of January 5, 2018  
**DEPARTMENT:** Administrative Services  
**PRESENTED BY:** Sara S. Lane, Administrative Services Director

### EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

### RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$1,520,349.76 specified in the following detail:

#### **\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
12/3/17-12/16/17	12/22/2017	75778-76022	15367-15385	68969-68976	\$785,940.10
					<u>\$785,940.10</u>

#### **\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
12/27/2017	1129	\$22,959.17
		<u>\$22,959.17</u>

#### **\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/27/2017	68977	68988	\$27,089.82
12/28/2017	68989	69013	\$34,992.79
1/4/2018	69014	69040	\$200,751.05

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
1/4/2018	69041	69060	\$46,086.42
1/4/2018	69061	69069	\$25,840.07
1/4/2018	69070	69078	\$376,690.34
			<u>\$711,450.49</u>

Approved By: City Manager **DT**

City Attorney **MK**

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Adopting Ordinance No. 810 Granting a Non-Exclusive Franchise to Verizon Access Transmission Services to Construct, Operate, and Maintain a Telecommunications Fiber Optic System Within City Rights-of-Way, Excluding the Aurora Avenue N Corridor

**DEPARTMENT:** City Manager's Office

**PRESENTED BY:** Alex Herzog, Management Analyst

**ACTION:**     ☒ Ordinance     ☐ Resolution     ☐ Motion  
                  ☐ Discussion     ☐ Public Hearing

#### **PROBLEM/ISSUE STATEMENT:**

In spring 2017, the City received an application for a new right-of-way franchise from Verizon Access Transmission Services for fiber optic system in Shoreline. At its May 8, 2017 regular meeting, Council held a public hearing on issuing a franchise agreement to Verizon (Ordinance No. 781) and discussed its merits. Council expressed concerns about Verizon's initial plans to trench new fiber optic lines along Aurora Avenue N so soon after completion of the Aurora Avenue Project. Council asked staff to work with Verizon to find alternatives to trenching along Aurora Avenue N if possible.

On August 14, 2017, staff returned to Council with several additional provisions added to proposed Ordinance No. 781 whereby, if not met, the Ordinance would be considered null and void. These contingencies included:

- Both parties agreeing to negotiate in good faith a conduit lease agreement for conduit along Aurora Avenue N within the next 60 days;
- The lease agreement being written for presentation to Council within 60-days of Council passage of proposed Ordinance No. 781; and
- Council authorization to execute the conduit lease agreement within 60 days of presentation of the lease agreement.

Since August 2017, City and Verizon staff made progress in negotiating a lease agreement for physical space in existing City-owned conduit that runs the length of Aurora Avenue N. However, these negotiations have not yet been finalized and the timelines noted in the contingencies of the Ordinance were not met. Thus, Ordinance No. 781 is now null and void and Verizon was not issued a franchise for any portion of the City.

Tonight, Council will consider adoption of proposed Ordinance No. 810 (Attachment A) authorizing Verizon to obtain a franchise for all parts of the City *except* for the Aurora Avenue N corridor, defined as the roadway with a 1,000 foot buffer on either side. This approach would allow Verizon to begin work on a substantial portion of its facility construction in many parts of the City via franchise agreement, while providing more time for staff from both organizations to continue negotiating a lease agreement for City-owned conduit or develop an alternative solution. Proposed Ordinance No. 810 was discussed by the Council on January 8, 2018 and the Council provided direction to staff to bring the ordinance back to Council for adoption.

**RESOURCE/FINANCIAL IMPACT:**

The full fiscal impact in adopting proposed Ordinance No. 810 is unknown, as Verizon has yet to market its telecommunication services to retail customers in Shoreline. As such, Verizon does not have the available information to determine what those revenues will be at this time.

Under Washington State law, the City is precluded from imposing franchise fees upon a “telephone business” as defined in RCW 82.16.010, and “service providers”, as defined in RCW 35.99.010, for use of the right-of-way. Given that Verizon warrants that their operations are those of a telephone business company and service provider as defined in these statutes, the City is not able to collect franchise fees based on gross revenue generated in Shoreline by Verizon on these activities. This being said, Verizon will be subject to the City’s utility tax as set forth in Chapter 3.32 of the Shoreline Municipal Code. The City may also assess full administrative costs for processing the franchise application and right-of-way permits for new system improvements.

Generally speaking, a new franchisee for fiber optic services in Shoreline promotes economic development by allowing utilization of unused capacity of an existing right-of-way by a new business. As well, adoption of this franchise makes telecommunication services more competitive for commercial properties in the City as the system is expanded. If City and Verizon staff are able to negotiate a conduit lease agreement, the City may potentially receive payment from Verizon for such based on the number of linear conduit feet leased.

**RECOMMENDATION**

Staff recommends Council adopt proposed Ordinance No. 810, granting a non-exclusive franchise to Verizon Access Transmission Services, excluding the Aurora Avenue N corridor.

Approved By:            City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

In spring 2017, the City received an application for a new right-of-way franchise from MCIMetro Access Transmission Services Corp., doing business as (dba) Verizon Access Transmission Services, for a telecommunication (fiber optic) system in Shoreline. Verizon would provide competitive local exchange (voice and data) services, internet access, private line services, and cell network front- and backhaul services to an existing cell phone tower. Verizon may also make available dark fiber or other facilities to third parties, including conduit access and dark fiber. Verizon does not presently intend to provide cable television service and understands that a separate franchise may be required to provide cable services.

At its May 8, 2017 regular meeting, Council held a public hearing on issuing a franchise agreement to Verizon (Ordinance No. 781) and discussed its merits. Council expressed concerns about Verizon's initial plans to trench new fiber optic lines along Aurora Avenue N so soon after completion of the Aurora Avenue Project. Council asked staff to work with Verizon to find alternatives to trenching along Aurora Avenue N if possible.

On August 14, 2017, staff returned to Council with several additional provisions added to proposed Ordinance No. 781 whereby, if not met, the Ordinance would be considered null and void. These contingencies included:

- Both parties agreeing to negotiate in good faith a conduit lease agreement for conduit along Aurora Avenue N within the next 60 days;
- The lease agreement being written for presentation to Council within 60-days of Council passage of proposed Ordinance No. 781; and
- Council authorization to execute the conduit lease agreement within 60 days of presentation of the lease agreement.

Since August 2017, City and Verizon staff made progress in negotiating a lease agreement for physical space in existing City-owned conduit that runs the length of Aurora Avenue N. However, these negotiations have not yet been finalized and the timelines noted in the contingencies of the Ordinance were not met. Thus, Ordinance No. 781 is now null and void and Verizon was not issue a franchise for any portion of the City.

### **January 8, 2018 Council Meeting**

At its January 8, 2018 meeting, Council discussed the merits of proposed Ordinance No. 810 authorizing Verizon to obtain a franchise for all parts of the City *except* for the Aurora Avenue N corridor, defined as the roadway with a 1,000 foot buffer on either side. This approach would allow Verizon to begin work on a substantial portion of its facility construction in many parts of the City via franchise agreement, while providing more time for staff from both organizations to continue negotiating a lease agreement for City-owned conduit or develop an alternative solution. Materials from the January 8 meeting are available on the City's website, here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport010818-8c.pdf>.

## **DISCUSSION**

At the January 8, 2018 Council meeting, Council did not have any concerns with proposed Ordinance No. 810 and directed staff to bring back the proposed ordinance for adoption on the consent calendar of January 22<sup>nd</sup>. At this meeting, staff also stated that they hope to have the aforementioned conduit lease agreement finalized in the coming months. Staff will return at a later date for Council consideration of execution of the conduit lease agreement and revision of the franchise agreement to include the Aurora Avenue N corridor once these issues have been finalized.

## **RESOURCE/FINANCIAL IMPACT**

The full fiscal impact in adopting proposed Ordinance No. 810 is unknown, as Verizon has yet to market its telecommunication services to retail customers in Shoreline. As such, Verizon does not have the available information to determine what those revenues will be at this time.

Under Washington State law, the City is precluded from imposing franchise fees upon a “telephone business” as defined in RCW 82.16.010, and “service providers”, as defined in RCW 35.99.010, for use of the right-of-way. Given that Verizon warrants that their operations are those of a telephone business company and service provider as defined in these statutes, the City is not able to collect franchise fees based on gross revenue generated in Shoreline by Verizon on these activities. This being said, Verizon will be subject to the City’s utility tax as set forth in Chapter 3.32 of the Shoreline Municipal Code. The City may also assess full administrative costs for processing the franchise application and right-of-way permits for new system improvements.

Generally speaking, a new franchisee for fiber optic services in Shoreline promotes economic development by allowing utilization of unused capacity of an existing right-of-way by a new business. As well, adoption of this franchise makes telecommunication services more competitive for commercial properties in the City as the system is expanded. If City and Verizon staff are able to negotiate a conduit lease agreement, the City may potentially receive payment from Verizon for such based on the number of linear conduit feet leased.

## **RECOMMENDATION**

Staff recommends Council adopt proposed Ordinance No. 810, granting a non-exclusive franchise to Verizon Access Transmission Services, excluding the Aurora Avenue N corridor.

## **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 810

Attachment A, Exhibit A: Aurora Avenue Corridor Map with 1,000 Foot Buffer

**ORDINANCE NO. 810**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, GRANTING A NON-EXCLUSIVE FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP., D/B/A VERIZON ACCESS TRANSMISSION SERVICES TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS FIBER OPTIC SYSTEM WITHIN CITY RIGHTS-OF-WAY, EXCLUDING THE AURORA AVENUE NORTH CORRIDOR.**

**WHEREAS**, on August 14, 2017, the City of Shoreline, by Ordinance No. 781, granted a non-exclusive franchise to MCIMetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services (“Verizon”) of the right to construct, operate, and maintain a telecommunications fiber optic system within the City’s rights-of-way; and

**WHEREAS**, pursuant to Section 19 of Ordinance No. 781, the Franchise was conditioned upon the successful negotiation of a conduit lease agreement and if an agreement was not fully executed by the City and Verizon within 120 calendar days of the passage of Ordinance No. 781 then the Ordinance would be null and void; and

**WHEREAS**, a conduit lease agreement was not executed and, by operation of Section 19, Ordinance No. 781 became null and void; and

**WHEREAS**, Verizon continues to desire to utilize portions of the City’s rights-of-way for the construction, operation, and maintenance of a telecommunications system and requests a non-exclusive franchise to this purpose; and

**WHEREAS**, pursuant to RCW 35A.11.020 and 34A.47.040, the City has broad discretion to regulate the use of the right-of-way and to place such restrictions and conditions when granting a non-exclusive franchise as it deems necessary including preventing interference with the Aurora Avenue North Corridor when alternative means are available to a franchisee; and

**WHEREAS**, the City Council has determined that while the use of portions of the City’s rights-of-ways for a telecommunication system benefits local business and the region as a result of such services, precluding the use of the Aurora Avenue North Corridor will prevent unnecessary disruption of this main transportation corridor of the City; and

**WHEREAS**, the City Council has determined that granting a franchise for use of the City’s rights-of-ways, excluding the Aurora Avenue North Corridor, allows for the construction of amenities necessary to serve the future needs of the citizens of the City and the coordination, planning, and management of the City’s rights-of-way so as to ensure that the burden of costs relating to use of the City’s rights-of-way are fairly allocated;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Non-exclusive Franchise Granted Subject to Conditions.**

- A.** The City hereby grants to VERIZON, subject to the conditions prescribed in this Ordinance (“Franchise Agreement”), the franchise rights and authority to construct, install, replace, repair, monitor, maintain, use and operate the equipment and facilities necessary for a telecommunications system in, under, on, across over, and through, all City-owned rights-of way, EXCEPT the entire length and width of that right-of-way commonly referred to as Aurora Avenue North, from N 145<sup>th</sup> Street to N 205<sup>th</sup> Street, and all rights-of-way 1,000 linear feet to the east and to the west of Aurora Avenue North, measured from the edge of the Aurora Avenue North right-of-way, hereinafter referred to as the “Franchise Area” and shown on Exhibit A to this Ordinance. Facilities include all wires, lines, cables, conduit, equipment, switches, and supporting structures located in the City’s right-of-way, utilized by VERIZON in operation of activities authorized by this Franchise Agreement.
- B.** The foregoing franchise rights and authority (“Franchise”) shall not be deemed to be exclusive to VERIZON and shall in no way prohibit or limit the City's ability to grant other franchises, permits, or rights along, over, or under the areas to which this Franchise has been granted to VERIZON; provided, that such other franchises do not unreasonably interfere with VERIZON’s exercise of franchise rights granted herein as determined by the City. This Franchise shall in no way interfere with existing utilities or in any way limit, prohibit, or prevent, the City from using the Franchise Area or affect the City's jurisdiction over such area in any way consistent with applicable law.
- C.** This Franchise Agreement authorizes VERIZON to occupy and use the Franchise Area. Nothing contained herein shall be construed to grant or convey any right, title, or interest in the Franchise Area to VERIZON.

**Section 2. Authority.** The Public Works Director or his or her designee is hereby granted the authority to administer and enforce the terms and provisions of this Franchise Agreement and may develop such lawful and reasonable rules, policies, and procedures as he or she deems necessary to carry out the provisions contained herein.

**Section 3. Franchise Term.** The franchise rights granted herein shall remain in full force and effect for a period of fifteen (15) years from the Effective Date of this Ordinance. The Effective Date of this Ordinance is provided for in Section 18.

**Section 4. Acceptance of Terms and Conditions.** The full acceptance of this Franchise Agreement and all the terms and conditions shall be filed with the City Clerk within sixty (60) calendar days of the City Council’s passage of this Ordinance as provided in Section 18. Failure on the part of VERIZON to file said consent within sixty (60) calendar days of the City

Council's passage of this Ordinance shall be deemed a rejection thereof by VERIZON and shall result in this Ordinance being null and void, having no further force or effect and all rights granted under this Franchise Agreement shall terminate.

**Section 5. Construction Provisions and Standards.** The following provisions shall be considered mandatory and failure to abide by any conditions described herein shall be deemed as noncompliance with the terms of this Franchise Agreement and may result in some or all of the penalties specified in Section 6.

- A. Permit Required.** No construction, maintenance, or repairs (except for emergency repairs) shall be undertaken in the Franchise Area without first obtaining appropriate right of way use permits required under SMC 12.15 from the City of Shoreline and compliance with the permit. In case of an emergency, VERIZON shall, within 24 hours of the emergency work performed, obtain a permit from the City of Shoreline Public Works Department.
- B. Construction Standards.** Any construction, installation, maintenance, and restoration activities performed by or for VERIZON within the Franchise Area shall be constructed and located so as to produce the least amount of interference with the free passage of pedestrian and vehicular traffic. All construction, installation, maintenance, and restoration activities shall be conducted such that they conform to City's Engineering Development Manual and with Title 12 of the Shoreline Municipal Code.
- C. Underground Installation Required.** All telecommunications cables and junction boxes or other vaulted system components shall be installed underground, unless otherwise exempted from this requirement, in writing, by the Public Works Director; provided that VERIZON may utilize existing aerial telecommunication facilities under lease or license from another franchisee. Should VERIZON utilize existing aerial telecommunication facilities, VERIZON agrees to cooperate in relocating to underground facilities when required by SMC 13.20 *Electric and Communication* for a City capital improvement project or joint trench opportunity.
- D. Relocation.**
  - 1. Whenever the City causes a public improvement to be constructed within the Franchise Area, and such public improvement requires the relocation of VERIZON's facilities, the City shall provide VERIZON with written notice requesting such relocation along with plans for the public improvement that are sufficiently complete to allow for the initial evaluation, coordination and the development of a relocation plan. The City and VERIZON shall meet at a time and location determined by the City to discuss the project requirements including critical timelines, schedules, construction standards, utility conflicts, as-built requirements, and other pertinent relocation plan details.
  - 2. To ensure timely execution of relocation requirements, VERIZON shall, upon written request from the City, provide at VERIZON's expense, base maps, current

as-built information, detailed relocation plan (including detailed schedule of relocation activities, identification of critical path, identification of facilities, and relocation procedures), and other design, technical or operational requirements within the timeframe specified by the City.

3. VERIZON may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation within a reasonable time specified by the City. Such alternatives shall include the use and operation of temporary facilities in adjacent rights of way. The City shall evaluate such alternatives and advise VERIZON in writing if one or more of the alternatives are suitable to accommodate the work, which would otherwise necessitate relocation of the facilities. If requested by the City, VERIZON shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by VERIZON full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, VERIZON shall relocate its facilities as otherwise specified in Section 6.E.
4. Upon final approval of the relocation plan by the City, VERIZON shall at its own expense, except as provided in RCW 35.99.060, and at the timeframe specified by the City, temporarily or permanently remove, relocate, place underground, change or alter the position of any facilities or structures within the right-of-way whenever the City has determined that such removal, relocation, undergrounding, change or alteration is reasonably necessary for the construction, repair, maintenance, installation, or operation of any public improvement in or upon the rights-of-way, or for public safety.
5. If during the construction, repair, or maintenance of the City's public improvement project an unexpected conflict occurs with VERIZON's facilities, VERIZON shall upon notification from the City, respond within 36 hours to resolve the conflict.
6. VERIZON shall reimburse the City for the direct costs incurred by the City in planning, designing, constructing, installing, repairing or altering any City infrastructure, structure, or facility as the result of the actual or proposed presence in the Public Right-of-Way of VERIZON's Facilities. Such costs and expenses shall include, but not be limited to, the direct costs of City personnel and contractors utilized to oversee or engage in any work in the Public Right-of-Way as the result of the presence of VERIZON's Facilities in the Public Right-of-Way, and any time spent reviewing construction plans in order to either accomplish the relocation of VERIZON's Facilities or the routing or rerouting of any public utilities or Public Rights-of-Way so as not to interfere with VERIZON's Facilities. Upon request as a condition of payment by VERIZON, all billing will be itemized so as to specifically identify the direct costs for each project for which the City claims reimbursement.

- E. Removal or Abandonment.** Upon the removal from service of any VERIZON structures, facilities and amenities within the Franchise Area, VERIZON shall comply with all applicable standards and requirements prescribed by the City of Shoreline Public Works Department for the removal or abandonment of said structures and facilities. No facility constructed or owned by VERIZON may be abandoned in place without the express written consent of the City.
- F. Bond.** Before undertaking any of the work, installation, improvements, construction, repair, relocation, or maintenance authorized by this Franchise Agreement, VERIZON shall upon the request of the City, furnish a bond executed by VERIZON and a corporate surety authorized to operate a surety business in the State of Washington, in such sum as may be set and approved by the City as sufficient to ensure performance of VERIZON's obligations under this Franchise Agreement, provided, however, that such sum shall not exceed 100% of the project construction cost of the proposed telecommunications system work by VERIZON in the City rights-of-way. At VERIZON's sole option, VERIZON may provide alternate security in the form of an assignment of funds or a letter of credit, in the same amount as the bond. All forms of security shall be in the form reasonably acceptable to the City. The bond shall be conditioned so that VERIZON shall observe all the covenants, terms, and conditions and shall faithfully perform all of the obligations of this Franchise Agreement, and to repair or replace any defective VERIZON work or materials discovered in the City's roads, streets, or property.
- G. "One-Call" Location & Liability.** VERIZON shall subscribe to and maintain membership in the regional "One-Call" utility location service and shall promptly locate all of its lines upon request. The City shall not be liable for any damages to VERIZON's system components or for interruptions in service to VERIZON customers which are a direct result of work performed for any City project for which VERIZON has failed to properly locate its lines and facilities within the prescribed time limits and guidelines established by One-Call. The City shall also not be liable for any damages to the VERIZON system components or for interruptions in service to VERIZON customers resulting from work performed under a permit issued by the City.
- H. As-Built Plans Required.** VERIZON shall maintain accurate engineering plans and details of all installed system facilities, within the City limits, and upon request by the City, shall provide such information in both paper form and electronic form using the most current Autocad version (or other mutually-agreeable format) prior to close-out of any permit issued by the City and any work undertaken by VERIZON pursuant to this Franchise Agreement. The City shall reasonably determine the acceptability of any as-built submittals provided under this Section.
- I. Recovery of Costs.** VERIZON shall be subject to all applicable permit fees associated with activities undertaken through the authority granted in this Franchise Agreement or under ordinances of the City.

- J. Vacation.** The City shall have the right to vacate any City road, right-of-way, or other City property which is subject to rights granted by this Franchise Agreement. The City may, if practicable, reserve an easement for VERIZON in its vacation ordinance. If VERIZON's facilities must be relocated due to the vacation, the City may, at its option and by giving sixty (60) calendar days written notice to VERIZON, terminate this Franchise Agreement with respect to such City road, right-of-way, or other City property so vacated. The City shall not be liable for any damages or loss to VERIZON by reason of such termination other than those provided for in RCW 35.99.

**Section 6. Franchise Compliance.**

- A. Franchise Violations.** The failure by VERIZON to fully comply with any of the provisions of this Franchise Agreement or conditions of breach listed in SMC 12.25.100 may result in a written notice from the City which describes the violations of the Franchise Agreement and requests remedial action pursuant to SMC 12.25.100.

**B. Emergency Actions.**

1. If any of VERIZON's actions, or any failure by VERIZON to act to correct a situation caused by VERIZON, is deemed by the City to create a threat to life or property, financial harm, or cause a delay of the construction, repair or maintenance of the public improvement, the City may order VERIZON to immediately correct said threat, financial harm, or delay or, at the City's discretion, the City may undertake measures to correct said threat, financial harm or delay itself; provided that, except in emergency situations, as determined solely by the City, the City shall notify VERIZON and give VERIZON an opportunity to correct the situation within a reasonable time as specified by the City, said threat, financial harm or delay before undertaking such corrective measures. VERIZON shall be liable for all reasonable costs, expenses, and damages attributed to the correction of such an emergency situation as undertaken by the City to the extent that such situation was caused by VERIZON and shall further be liable for all reasonable costs, expenses, and damages resulting to the City from such situation and any reimbursement of such costs to the City shall be made within thirty (30) calendar days of written notice of the completion of such action or determination of damages by the City. The failure by VERIZON to take appropriate action to correct a situation caused by VERIZON and identified by the City as a threat to public or private safety or property, financial harm, or delay of the construction, repair or maintenance of the public improvement shall be considered a violation of the terms of this Franchise Agreement.
2. If during construction or maintenance of VERIZON's facilities any damage occurs to an underground facility and the damage results in the release of natural gas or other hazardous substance or potentially endangers life, health, or property, VERIZON or its contractor shall immediately call 911 or other local emergency response number.

- C. Other Remedies.** Nothing contained in this Franchise Agreement shall limit the City's available remedies in the event of VERIZON's failure to comply with the provisions of this Franchise Agreement, to include but not limited to, the City's right to a lawsuit for damages.
- D. Removal of System.** In the event that this Franchise Agreement is terminated as a result of violations of the terms of this Franchise Agreement, VERIZON shall at its sole expense, promptly remove all system components and facilities, provided that the City, at its sole option, may allow VERIZON to abandon its facilities in place.

**Section 7. Insurance.**

- A.** VERIZON shall maintain liability insurance written on a per occurrence basis during the full term of this Franchise Agreement for injuries and property damages. The policy or policies shall afford insurance covering all operations, vehicles, and employees with the following limits and provisions:
- 1.** Commercial general liability insurance with limits of not less than \$2,000,000 each occurrence combined single limit for bodily injury and property damage, including contractual liability; personal and advertising injury; explosion hazard, collapse hazard, and underground property damage hazard; products; and completed operations.
  - 2.** Commercial automobile liability insurance with limits not less than \$1,000,000 each occurrence combined single limit for bodily injury and property damage, covering all owned, non-owned, leased, and hired auto coverage, as applicable.
  - 3.** Pollution Liability insurance, on an occurrence form, with limits not less than \$1,000,000 each occurrence combined single limit for bodily injury, property damage, cleanup costs and defense including costs and expenses incurred in the investigation, defense, or settlement of claims..
- B.** Such insurance shall include as additional insured the City, its officers, and employees, shall apply as primary insurance, shall stipulate that no insurance affected by the City will be called on to contribute to a loss covered thereunder. Upon receipt of notice from its insurer(s), VERIZON shall use all commercially reasonable efforts to provide at least thirty (30) calendar days prior written notice of cancellation by US mail to the City. VERIZON may utilize primary and umbrella liability insurance policies to satisfy insurance policy limits required herein.
- C.** If the City determines that circumstances warrant an increase in insurance coverage and liability limits to adequately cover the risks of the City, the City may require a commercially reasonable amount of additional insurance to be acquired. The City shall provide written notice should the City exercise its right to require additional insurance.

**Section 8. Other Permits & Approvals.** Nothing in this Agreement shall relieve VERIZON from any obligation to obtain approvals or necessary permits from applicable federal, state, and City authorities for all activities in the Franchise Area.

**Section 9. Transfer of Ownership.**

- A.** The rights, privileges, benefits, title, or interest provided by this Franchise Agreement shall not be sold, transferred, assigned, or otherwise encumbered, without the prior written consent of the City, with such consent not being unreasonably withheld, unreasonably conditioned or unreasonably delayed. No such consent shall be required, however, for a transfer in trust, by other hypothecation, or by assignment of any rights, title, or interest in VERIZON's telecommunications system in order to secure indebtedness. Approval shall not be required for mortgaging purposes provided that the collateral pledged for any mortgage shall not include the assets of this franchise. Approval shall not be required for any transfer from VERIZON to another person or entity controlling, controlled by, or under common control with VERIZON or if VERIZON adopts a new company name without a change in control. VERIZON may license fibers to other users operating a telephone business or service providers without the consent of the City provided that VERIZON remains solely responsible for the terms and conditions outlined in this Franchise Agreement and provides the City with written notice of licenses or leases for such purposes. The licensing or lease of fibers for other uses shall require a separate assignment, franchise or right of way agreement approved by the City.
- B.** In any transfer of this Franchise which requires the approval of the City, VERIZON shall show that the recipient of such transfer has the technical ability, financial capability, and any other legal or general qualifications as reasonably determined by the City to be necessary to ensure that the obligations and terms required under this Franchise Agreement can be met to the satisfaction of the City. The qualifications of any transferee shall be determined by hearing before the City Council and the approval to such transfer shall be granted by resolution of the City Council. Any actual and reasonable administrative costs associated with a transfer of this Franchise which requires the approval of the City, shall be reimbursed to the City within thirty (30) calendar days of such transfer.

**Section 10. Administrative Fees and Utility Tax.**

- A.** Pursuant to RCW 35.21.860, the City is precluded from imposing franchise fees for any "telephone business" as defined in RCW 82.16.010 or "service provider" as defined in RCW 35.99.010, except that fees may be collected for administrative expenses related to such franchise and a utility tax may be assessed. VERIZON does hereby warrant that its operations as authorized under this Franchise Agreement are those of a telephone business as defined in RCW 82.16.010 or of a service provider as defined in 35.99.010. Nothing in this Franchise Agreement is intended to alter, amend, modify or expand the taxes and fees that may lawfully be assessed on VERIZON's business activities under this Franchise under applicable law.

- B.** VERIZON shall be subject to an administrative fee for reimbursement of the actual costs associated with the preparation, processing, and approval of this Franchise Agreement, not to exceed \$5,000. These costs shall include but not be limited to wages, benefits, overhead expenses, equipment, and supplies associated with such tasks as plan review, site visits, meetings, negotiations, and other functions critical to proper management and oversight of City's right-of-way. Administrative fees exclude normal permit fees for permits issued under Chapter 12.15 of the Shoreline Municipal Code. The franchise application deposit shall be applied to final payment of the one-time administrative fee within thirty (30) calendar days after franchise approval.
- C.** In the event VERIZON submits a request for work beyond the scope of this Franchise Agreement, or submits a complex project that requires significant comprehensive plan review, or inspection, VERIZON shall reimburse City for amendments and reasonable expenses associated with the project. VERIZON shall pay such costs within thirty (30) calendar days of receipt of bill from the City.
- D.** Failure by VERIZON to make full payment of bills within the time specified shall be considered sufficient grounds for the termination of all rights and privileges existing under this Ordinance utilizing the procedures specified in Section 6 of this Ordinance.
- E.** If VERIZON provides services which are not regulated by the Washington Utilities and Transportation Commission, then such VERIZON services shall become subject to the City's utility tax as set forth in Chapter 3.32 of the Shoreline Municipal Code, as amended, as may be lawfully be assessed.

**Section 11. Notices.** Any notice to be served upon the City or VERIZON shall be delivered to the following addresses respectively:

City of Shoreline  
City Clerk's Office  
17500 Midvale Avenue N  
Shoreline, WA 98133-4905  
Phone: (206) 801 – 2700

Verizon Access Transmission Services  
600 Hidden Ridge  
Irving, TX 75038  
Attn: Franchise Manager

With Copy to (except for invoices):

Verizon Business Services  
1320 N. Courthouse Road, Suite 900  
Arlington, VA, USA 22201  
Attn: Vice President and Deputy General Counsel

**Section 12. Indemnification.**

- A.** VERIZON shall use reasonable and appropriate precautions to avoid damage to persons or property in the construction, installation, repair, operation, and maintenance of its structures and facilities within the Franchise Area. VERIZON shall indemnify, defend and hold the City, its agents, officers or employees harmless from all third-party claims, actions or damages or expense of any nature, including reasonable attorney's and expert witness fees, which may accrue to or be suffered by any person or persons, corporation or property to the extent caused in part or in whole by any negligent or intentional act or omission of VERIZON, its officers, agents, servants or employees, contractors, or subcontractors in the performance of the rights, benefits, and privileges granted to VERIZON by this Franchise. In the event any claim or demand is presented to or filed with the City which gives rise to VERIZON's obligation pursuant to this Section, the City shall within a reasonable time notify VERIZON thereof and VERIZON shall have a right, at its election, to settle or compromise such claim or demand. In the event any claim or action is commenced in which the City is named a party, and which suit or action is based on a third-party claim or demand which gives rise to VERIZON's obligation pursuant to this Section, the City shall promptly notify VERIZON thereof, and VERIZON shall, at its sole cost and expense, defend such suit or action by attorneys of its own election. In defense of such suit or action, VERIZON may, at its election and at its sole cost and expense, settle or compromise such suit or action. This Section shall not be construed to require VERIZON to:
1. protect and save the City harmless from any claims, actions, or damages;
  2. settle or compromise any claim, demand, suit, or action;
  3. appear in or defend any suit or action; or,
  4. pay any judgment or reimburse the City's costs and expenses (including reasonable attorney's fees), to the extent such claim arises out of the sole negligence or intentional acts of the City, its employees, agents or independent contractors.
- B.** The City shall have the right at all times to participate through its own attorney in any suit or action which arises out of any right, privilege, and authority granted by or exercised pursuant to this Franchise when the City determines that such participation is required to protect the interests of the City or the public. Such participation by the City shall be at the City's sole cost and expense.
- C.** Should a court of competent jurisdiction determine that this franchise is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of VERIZON and the City, its officers, employees and agents, VERIZON's liability hereunder shall be only to the extent of VERIZON's negligence.

- D.** With respect to the performance of this Franchise and as to claims against the City, its officers, agents and employees, VERIZON expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its officers, agents and employees and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim brought by or on behalf of VERIZON's officers, agents or employees. This waiver has been mutually negotiated by the parties.

**Section 13. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, either party may deem the entire Ordinance to be affected and thereby nullified. However, in the event that a determination is made that a section, sentence, clause, or phrase in this Ordinance is invalid or unconstitutional, the parties may agree to treat the portion declared invalid or unconstitutional as severable and maintain in force the remaining provisions of this Ordinance; provided that, if the City elects, without agreement by VERIZON, to enforce the remaining provisions of this Ordinance, VERIZON shall have the option to terminate the Franchise Agreement.

**Section 14. Reservation of Rights.** The parties agree that this agreement is intended to satisfy the requirements of all applicable laws, administrative guidelines, rules, orders, and ordinances. Accordingly, any provision of this agreement or any local ordinance which may conflict with or violate the law shall be invalid and unenforceable, whether occurring before or after the execution of this agreement, it being the intention of the parties to preserve their respective rights and remedies under the law, and that the execution of this agreement does not constitute a waiver of any rights or obligations by either party under the law.

**Section 15. Police Powers.** Nothing contained herein shall be deemed to affect the City's authority to exercise its police powers. VERIZON shall not by this Franchise Agreement obtain any vested rights to use any portion of the City right-of-way except for the locations approved by the City and then only subject to the terms and conditions of this Franchise Agreement. This Franchise Agreement and the permits issued thereunder shall be governed by applicable City ordinances in effect at the time of application for such permits.

**Section 16. Future Rules, Regulations, and Specifications.** VERIZON acknowledges that the City may develop rules, regulations, and specifications, including a general ordinance or other regulations governing telecommunications operations in the City. Such regulations, upon written notice to VERIZON, shall thereafter govern VERIZON's activities hereunder; provided, however, that in no event shall regulations:

- A.** materially interfere with or adversely affect VERIZON's rights pursuant to and in accordance with this Franchise Agreement; or
- B.** be applied in a discriminatory manner as it pertains to VERIZON and other similar user of such facilities.

**Section 17. Publication and Cost of Publication.** This Ordinance or a summary thereof shall be published in the official newspaper of the City. The cost of the publication of this Ordinance shall be borne by VERIZON.

**Section 18. Directions to City Clerk for Acceptance and Effective Date.** The City Clerk is hereby directed to promptly forward a certified copy of this Ordinance to VERIZON to its acceptance as provided in Section 4. This Ordinance shall become effective upon the date VERIZON's Acceptance is received by the City Clerk.

**Section 19. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**PASSED BY THE CITY COUNCIL ON JANUARY 22, 2018.**

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Mayor Will Hall

**ATTEST:**

**APPROVED AS TO FORM:**

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Jessica Simulcik Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication:

Effective Date:



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adopting Ordinance No. 812 - Amending the 2018 Budget and Salary Table to Include Appropriations and the Classification of B&O Tax Analyst Necessary to Implement the Business & Occupation Tax
<b>DEPARTMENT:</b>	Administrative Services
<b>PRESENTED BY:</b>	Sara Lane, Administrative Services Director Rick Kirkwood, Budget Supervisor
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

At the December 4, 2017 City Council meeting, Ordinance No. 808 providing for a Business & Occupation (B&O) Tax in the City of Shoreline was approved. During this meeting, a discussion was held regarding the practical considerations and options for tax administration, particularly relating to business licensing and tax collection, and that staff would bring a budget amendment before the City Council in early 2018 for the expenses associated with the administrative costs and the addition of a 1.00 full-time equivalent (FTE) position. The effective date of Ordinance No. 808 is January 1, 2019, which provides adequate time for an implementation process comprised of the selection of a system of record; an online filing option for tax collection; and, staffing to administer the collection, maintenance and auditing of the tax.

Staff has begun the implementation process and will analyze costs and benefits of each option; however, the 2018 budget must be amended to provide the necessary resources. Therefore, staff is requesting that the 2018 budget be amended to provide the necessary appropriations and add the classification of B&O Tax Analyst to Range 50 of the Salary Table. Proposed Ordinance No. 812 provides for this budget amendment. On January 8, staff presented this proposed ordinance to the City Council and Council asked questions that have been addressed in this staff report. Council also provided direction to staff to bring the ordinance back for adoption.

**FINANCIAL IMPACT:**

The addition of personnel and other expenditures necessary to administer the B&O Tax requires that the 2018 budget be amended by increasing the total FTE count by 1.00 and the General Fund's appropriations by \$445,000, as follows:

Item	2018 One-Time Total
System of Record Purchase/Implementation	\$200,000
FileLocal Membership/Setup	\$35,000
Retail Lockbox / Printing Set-Up	\$30,000
B&O Tax Analyst (1.00 FTE for 10 Months)	\$130,000
Consulting Support	\$50,000
<b>Total</b>	<b>\$445,000</b>

The ongoing costs related to collection of the B&O Tax are estimated to total approximately \$245,000 and will be reflected in the 2019 budget.

The following table summarizes the impact of this budget amendment and the resulting 2018 appropriation for the General Fund:

Fund	2018 Current Budget (A)	Budget Amendment (B)	Amended 2018 Budget (C) (A + B)
General Fund	\$46,500,862	\$445,000	\$46,945,862
All Other Funds	33,437,832	0	33,437,832
<b>Total</b>	<b>\$79,938,694</b>	<b>\$445,000</b>	<b>\$80,383,694</b>

### **RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 812 amending the 2018 Budget to include appropriations and a 1.0 FTE increase and the Salary Table to include the classification of B&O Tax Analyst.

Approved By:      City Manager **DT**      City Attorney **MK**

## **BACKGROUND**

At the December 4, 2017 City Council meeting, Ordinance No. 808 providing for a Business & Occupation (B&O) Tax in the City of Shoreline with an effective date of January 1, 2019 was approved. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport120417-8b.pdf>.

During this meeting, a discussion was held regarding the practical considerations and options for tax administration, particularly relating to business licensing and tax collection, and that staff would bring a budget amendment before the City Council in early 2018 for the expenses associated with the administrative costs and the addition of a 1.00 full-time equivalent (FTE) position. Staff has begun the implementation process and will analyze costs and benefits of each of the following options; however, the 2018 budget must be adopted to provide the resources necessary.

### ***System of Record***

The City would need to maintain all filing history, accounts receivables, delinquencies, and audit information for each taxpayer account. Generally, the City's financial system is not able to fulfill the requirements for tax administration so a separate tax administration system would need to be procured, implemented and integrated to the licensing and collection systems. Staff is currently exploring two options and attended two product demonstrations on January 10 and 11, 2018.

### ***Tax Collection***

The City will need provision for the collection taxes. While most cities offer an online filing option, either independently or through *FileLocal*, no City currently mandates online filing. Therefore, the City would likely need to plan for costs associated with online filing, through *FileLocal*, as well as printing, mailing and a lockbox service, similar to what is currently used for wastewater utility payments. While an online filing system like *FileLocal* is used by business to file taxes with most jurisdictions, it does not serve as the system of record.

### ***Staffing for Implementation/Administration/Audit***

Additional consulting and personnel resources are required to implement and administer collection, maintenance and auditing of the B&O Tax. While this function will be housed in the Budget Office within the Administrative Services Department, consulting and/or additional personnel resources are needed to assist with outreach, education and system implementation as well as ongoing administration and compliance. A 1.00 FTE B&O Tax Analyst with a start date of March 1, 2018 is requested to perform most of this work. In order to ensure the tax is being collected correctly, staff will develop an audit program, which would likely require hiring independent auditors to supplement internal staff for more complex audits or as workload requires.

Therefore, staff is requesting that the 2018 budget be amended to provide the necessary appropriations and add the classification of B&O Tax Analyst to Range 50 of the Salary Table. The Human Resources Department performed a classification review

and will finalize a new job description for this proposed position. Proposed Ordinance No. 812 provides for this budget amendment.

### ***Implementation Steps***

The following are the major steps that will be completed in order to implement a B&O Tax in Shoreline:

- Budget amendment for implementation costs (*tonight's item*)
- Refine the administration plan as follows:
  - Contract with Washington State for administration
  - Implement a system of record
  - Partner with *FileLocal* to provide joint filing
  - Develop a communication plan
- Implement administration plan including staff training (*2<sup>nd</sup> & 3<sup>rd</sup> Quarter 2018*)
- Business communication and education (*2018 and ongoing*)

### **RESPONSES TO CITY COUNCIL QUESTIONS**

As part of the City Council's discussion there were two questions regarding the use of independent contractors for the audit program as well as the classification for this position.

#### ***Audit Program***

As the B&O Tax Analyst Classification Description (Attachment C) notes, this position will be responsible for a variety of tasks related to the administration of the City's B&O tax, including Audit. A review of audit programs in other Cities reveals the use of both internal staff and independent contractors for tax compliance and auditing. The use of independent contractors for certain aspects of this program would allow the City to outsource the need for more advanced audit skills for complex audits as well as supplement staffing should workload dictate the need. Because Audit Programs are generally revenue producing, the cost of independent contractors is typically recovered from the revenue generated by the Audit.

#### ***Position Classification***

When establishing the salary range for this position, Human Resources considered the tasks performed by this position as well as the City compensation for positions conducting similar tasks. Using a weighted average the position was placed in the best fit salary range of 50, which is equivalent to a Management or Budget Analyst classifications. Evaluation of several comparative cities confirmed that Tax Analysts are typically in comparable ranges within their classification systems.

### **ALTERNATIVES ANALYSIS**

#### **Alternative 1: Take no action (*Not Recommended*)**

If the City Council chooses to not approve this amendment there will be no formal support for implementation and administration of the B&O Tax. Without a 1.00 FTE B&O Tax Analyst and consulting support, existing staff will not be able to implement the B&O Tax. Without a system of record and online tax filing option, existing staff will be unable to administer collection, maintenance and auditing of the B&O Tax

### Alternative 2: Adopt Ordinance No. 812 with Amendments

The City Council could amend Ordinance No. 812 to provide for two part time positions, including the associated appropriations and addition of the classification of B&O Tax Analyst to Range 50 of the salary table, to implement and administer the B&O tax program instead of one full time position. This would allow for a 0.5 FTE Finance Technician position to handle more routine aspects of administration and a 0.5 FTE B&O Tax Analyst position to handle the more complex account review and auditing and analytical functions. Staff are not recommending this approach because the additional cost of benefits for a second employee negates any cost savings from the lower level position and because of concerns about the ability to attract qualified candidates with the specific technical skills needed at a 0.5 FTE.

### Alternative 3: Adopt Ordinance No. 812 (Recommended)

Adoption of proposed Ordinance No. 812 will amend the 2018 budget to provide the necessary appropriations and addition of the classification of B&O Tax Analyst to Range 50 of the Salary Table.

## **FINANCIAL IMPACT**

The addition of personnel and other expenditures necessary to administer the B&O Tax requires that the 2018 budget be amended by increasing the total FTE count by 1.00 and the General Fund's appropriations by \$445,000, as follows:

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Item	2018 One-Time Total
System of Record Purchase/Implementation	\$200,000
FileLocal Membership/Setup	\$35,000
Retail Lockbox / Printing Set-Up	\$30,000
B&O Tax Analyst (1.00 FTE for 10 Months)	\$130,000
Consulting Support	\$50,000
<b>Total</b>	<b>\$445,000</b>

The ongoing costs related to collection of the B&O Tax are estimated to total approximately \$245,000 and will be reflected in the 2019 budget.

The following table summarizes the impact of this budget amendment and the resulting 2018 appropriation for the General Fund:

---

Fund	2018 Current Budget (A)	Budget Amendment (B)	Amended 2018 Budget (C) (A + B)
General Fund	\$46,500,862	\$445,000	\$46,945,862
All Other Funds	33,437,832	0	33,437,832

<b>Fund</b>	<b>2018 Current Budget (A)</b>	<b>Budget Amendment (B)</b>	<b>Amended 2018 Budget (C) (A + B)</b>
<b>Total</b>	<b>\$79,938,694</b>	<b>\$445,000</b>	<b>\$80,383,694</b>

### **RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 812 amending the 2018 Budget to include appropriations and a 1.0 FTE increase and the Salary Table to include the classification of B&O Tax Analyst.

### **ATTACHMENTS**

- Attachment A: Proposed Ordinance No. 812
- Attachment B: Proposed 2018 Salary Table
- Attachment C: B&O Tax Analyst Classification Description

**ORDINANCE NO. 812**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING THE 2018 FINAL BUDGET, INCLUDING THE GENERAL FUND AND THE 2018 BUDGETED POSITIONS AND FULL-TIME EQUIVALENT EMPLOYEE LIST OF THE 2018 FINAL BUDGET.**

WHEREAS, with the adoption of Ordinance No. 808 the City Council authorized the imposition of a Business and Occupation Tax within the City of Shoreline; and

WHEREAS, given the adoption of Ordinance No. 808 it has been determined that additional staff is needed within the Administrative Services Department to administer the collection, maintenance and auditing of the Business and Occupation Tax; and

WHEREAS, City staff have determined that it is appropriate to add a new classification specification, B&O Tax Analyst, to the Salary Table to provide for needed additional staff; and

WHEREAS, the 2018 Final Budget for the City of Shoreline was adopted by Ordinance No. 806 and the additional staffing and operating budget support needs for the imposition of a Business and Occupation Tax were unknown at the time the 2018 Final Budget was adopted; and

WHEREAS, the 2018 Final Budget, which includes the appropriations from the General Fund and a listing of budgeted employee positions and employee allocation by department, needs to be amended to reflect the additional full-time equivalent (FTE) employee, as well as its salary and benefit costs and operating budget support to fulfill these needs;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment – 2018 Final Budget.** The City of Shoreline hereby amends the 2018 Final Budget, as adopted by Ordinance No. 806, by making the following amendments:

The classification “B&O Tax Analyst” is added to Range 50 of the 2018 Salary Table.

Appropriations for the General Fund are increased by \$445,000 and for the Total Funds to \$80,383,694, as follows:

Fund	Current Appropriation	Revised Appropriation
General Fund	<del>\$46,500,862</del>	\$46,945,862
Street Fund	2,376,815	
Code Abatement Fund	130,000	
State Drug Enforcement Forfeiture Fund	18,243	

Fund	Current Appropriation	Revised Appropriation
Public Arts Fund	195,246	
Federal Drug Enforcement Forfeiture Fund	13,000	
Property Tax Equalization Fund	0	
Federal Criminal Forfeiture Fund	0	
Transportation Impact Fees Fund	221,400	
Park Impact Fees Fund	50,000	
Revenue Stabilization Fund	0	
Unltd Tax GO Bond 2006	1,697,925	
Limited Tax GO Bond 2009	1,661,417	
Limited Tax GO Bond 2013	260,635	
General Capital Fund	5,187,668	
City Facility-Major Maintenance Fund	153,213	
Roads Capital Fund	11,130,166	
Surface Water Capital Fund	6,925,565	
Wastewater Utility Fund	2,297,901	
Vehicle Operations/Maintenance Fund	772,302	
Equipment Replacement Fund	328,836	
Unemployment Fund	17,500	
Total Funds	<b>\$79,938,694</b>	<b>\$80,383,694</b>

**Section 2. Amendment – City of Shoreline Regular FTE Count.** The City of Shoreline hereby amends the 2018 Final Budget to increase the number of full-time equivalent employees (FTE) for the Administrative Services Department by 1.00 FTE. All reference to total FTEs for the City and the FTEs by department within the 2018 Final Budget shall be amended to reflect this increase.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON JANUARY 22, 2018**

\_\_\_\_\_  
Mayor \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2018

Effective Date: \_\_\_\_\_, 2018

# Attachment B

City of Shoreline  
Range Placement Table  
2.5% Between Ranges; 4% Between Steps

June '16 cpi-U 256.098  
June '17 cpi-U 263.756  
% Change 3.00%  
90% of % Change: 2.70%

Mkt Adj: 2.70%  
Effective: January 20, 2018

The hourly rates represented here have been rounded to 2 decimal points and annual rates to the nearest dollar. Pay is calculated using 5 decimal points for accuracy and rounded after cal

Range	Title	FLSA Status	Min						Max
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
1			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	
2			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	
3			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.11 27,274
4			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.44 27,955
5			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.25 27,552	13.78 28,654	
6			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.06 27,155	13.58 28,241	14.12 29,371	
7			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.38 27,834	13.92 28,947	14.47 30,105	
8			n/a due to changes in WA State Min Wage	n/a due to changes in WA State Min Wage	13.19 27,432	13.72 28,529	14.26 29,671	14.84 30,858	
9			n/a due to changes in WA State Min Wage	13.00 27,037	13.52 28,118	14.06 29,243	14.62 30,412	15.21 31,629	
10			n/a due to changes in WA State Min Wage	13.32 27,712	13.86 28,821	14.41 29,974	14.99 31,173	15.59 32,420	
11			13.13 27,313	13.66 28,405	14.20 29,541	14.77 30,723	15.36 31,952	15.98 33,230	
12			13.46 27,996	14.00 29,115	14.56 30,280	15.14 31,491	15.75 32,751	16.38 34,061	
13			13.80 28,696	14.35 29,843	14.92 31,037	15.52 32,279	16.14 33,570	16.78 34,912	
14			14.14 29,413	14.71 30,589	15.29 31,813	15.91 33,085	16.54 34,409	17.20 35,785	
15			14.49 30,148	15.07 31,354	15.68 32,608	16.30 33,913	16.96 35,269	17.63 36,680	
16			14.86 30,902	15.45 32,138	16.07 33,423	16.71 34,760	17.38 36,151	18.08 37,597	
17			15.23 31,674	15.84 32,941	16.47 34,259	17.13 35,629	17.81 37,055	18.53 38,537	
18			15.61 32,466	16.23 33,765	16.88 35,116	17.56 36,520	18.26 37,981	18.99 39,500	
19			16.00 33,278	16.64 34,609	17.30 35,993	18.00 37,433	18.72 38,931	19.47 40,488	
20			16.40 34,110	17.05 35,474	17.74 36,893	18.45 38,369	19.18 39,904	19.95 41,500	
21			16.81 34,963	17.48 36,361	18.18 37,816	18.91 39,328	19.66 40,901	20.45 42,537	

# Attachment B

City of Shoreline  
Range Placement Table  
2.5% Between Ranges; 4% Between Steps

June '16 cpi-U 256.098  
June '17 cpi-U 263.756  
% Change 3.00%  
90% of % Change: 2.70%

Mkt Adj: 2.70%  
Effective: January 20, 2018

The hourly rates represented here have been rounded to 2 decimal points and annual rates to the nearest dollar. Pay is calculated using 5 decimal points for accuracy and rounded after cal

Range	Title	FLSA Status	Min						Max
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
22			17.23 35,837	17.92 37,270	18.64 38,761	19.38 40,311	20.16 41,924	20.96 43,601	
23			17.66 36,733	18.37 38,202	19.10 39,730	19.87 41,319	20.66 42,972	21.49 44,691	
24			18.10 37,651	18.83 39,157	19.58 40,723	20.36 42,352	21.18 44,046	22.02 45,808	
25			18.55 38,592	19.30 40,136	20.07 41,741	20.87 43,411	21.71 45,147	22.57 46,953	
26			19.02 39,557	19.78 41,139	20.57 42,785	21.39 44,496	22.25 46,276	23.14 48,127	
27			19.49 40,546	20.27 42,168	21.08 43,855	21.93 45,609	22.80 47,433	23.72 49,330	
28			19.98 41,560	20.78 43,222	21.61 44,951	22.48 46,749	23.37 48,619	24.31 50,564	
29			20.48 42,599	21.30 44,303	22.15 46,075	23.04 47,918	23.96 49,834	24.92 51,828	
30			20.99 43,664	21.83 45,410	22.71 47,227	23.61 49,116	24.56 51,080	25.54 53,123	
31	Senior Lifeguard	Non-Exempt, Hourly	21.52 44,755	22.38 46,545	23.27 48,407	24.20 50,343	25.17 52,357	26.18 54,452	
32			22.05 45,874	22.94 47,709	23.85 49,617	24.81 51,602	25.80 53,666	26.83 55,813	
33			22.61 47,021	23.51 48,902	24.45 50,858	25.43 52,892	26.45 55,008	27.50 57,208	
34	Administrative Assistant I Public Disclosure Specialist WW Utility Administrative Assist I WW Utility Customer Service Rep	Non-Exempt, Hourly Non-Exempt, Hourly Non-Exempt, Hourly Non-Exempt, Hourly	23.17 48,196	24.10 50,124	25.06 52,129	26.06 54,214	27.11 56,383	28.19 58,638	
35			23.75 49,401	24.70 51,377	25.69 53,432	26.72 55,570	27.78 57,793	28.90 60,104	
36	Parks Maintenance Worker I PW Maintenance Worker I	Non-Exempt, Hourly Non-Exempt, Hourly	24.34 50,636	25.32 52,662	26.33 54,768	27.38 56,959	28.48 59,237	29.62 61,607	
37	Finance Technician Recreation Specialist I WW Utility Accounting Technician	Non-Exempt, Hourly Non-Exempt, Hourly Non-Exempt, Hourly	24.95 51,902	25.95 53,978	26.99 56,137	28.07 58,383	29.19 60,718	30.36 63,147	
38	Administrative Assistant II Facilities Maintenance Worker I	Non-Exempt, Hourly Non-Exempt, Hourly	25.58 53,200	26.60 55,328	27.66 57,541	28.77 59,843	29.92 62,236	31.12 64,726	
39		Non-Exempt, Hourly Non-Exempt, Hourly	26.22 54,530	27.26 56,711	28.36 58,979	29.49 61,339	30.67 63,792	31.90 66,344	
40	Parks Maintenance Worker II Permit Technician PW Maintenance Worker II WW Utility Maintenance Worker	Non-Exempt, Hourly Non-Exempt, Hourly Non-Exempt, Hourly Non-Exempt, Hourly	26.87 55,893	27.95 58,129	29.06 60,454	30.23 62,872	31.44 65,387	32.69 68,002	

# Attachment B

City of Shoreline  
Range Placement Table  
2.5% Between Ranges; 4% Between Steps

June '16 cpi-U 256.098  
June '17 cpi-U 263.756  
% Change 3.00%  
90% of % Change: 2.70%

Mkt Adj: 2.70%  
Effective: January 20, 2018

The hourly rates represented here have been rounded to 2 decimal points and annual rates to the nearest dollar. Pay is calculated using 5 decimal points for accuracy and rounded after cal

Range	Title	FLSA Status	Min						Max
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
41	Recreation Specialist II	Non-Exempt, Hourly	27.54	28.65	29.79	30.98	32.22	33.51	
	Senior Finance Technician	Non-Exempt, Hourly	57,290	59,582	61,965	64,444	67,022	69,703	
	Special Events Coordinator	Non-Exempt, Hourly							
	Public Art Coordinator	Non-Exempt, Hourly							
42	Administrative Assistant III	Non-Exempt, Hourly	28.23	29.36	30.54	31.76	33.03	34.35	
	Communication Specialist	Non-Exempt, Hourly	58,723	61,072	63,514	66,055	68,697	71,445	
	Environmental Program Specialist	Non-Exempt, Hourly							
	Facilities Maintenance Worker II	Non-Exempt, Hourly							
	Human Resources Technician	Non-Exempt, Hourly							
	Legal Assistant	Non-Exempt, Hourly							
	Records Coordinator	Non-Exempt, Hourly							
	Transportation Specialist	Non-Exempt, Hourly							
43	Payroll Officer	Non-Exempt, Hourly	28.94	30.10	31.30	32.55	33.85	35.21	
	Purchasing Coordinator	Non-Exempt, Hourly	60,191	62,598	65,102	67,706	70,415	73,231	
44	Assistant Planner	EXEMPT, Annual	29.66	30.85	32.08	33.36	34.70	36.09	
	Engineering Technician	Non-Exempt, Hourly	61,696	64,163	66,730	69,399	72,175	75,062	
45	CRT Representative	Non-Exempt, Hourly	30.40	31.62	32.88	34.20	35.57	36.99	
	PRCS Rental & System Coordinator	Non-Exempt, Hourly	63,238	65,767	68,398	71,134	73,979	76,939	
	Recreation Specialist III - Aquatics	Non-Exempt, Hourly							
46	Deputy City Clerk	Non-Exempt, Hourly	31.16	32.41	33.71	35.05	36.46	37.91	
	GIS Technician	Non-Exempt, Hourly	64,819	67,412	70,108	72,912	75,829	78,862	
	IT Specialist	Non-Exempt, Hourly							
	Plans Examiner I	Non-Exempt, Hourly							
	Senior Facilities Maintenance Worker	Non-Exempt, Hourly							
	Senior PW Maintenance Worker	Non-Exempt, Hourly							
	Senior Parks Maintenance Worker	Non-Exempt, Hourly							
	Staff Accountant	EXEMPT, Annual							
	Surface Water Quality Specialist	Non-Exempt, Hourly							
	Senior WW Utility Maintenance Worker	Non-Exempt, Hourly							
47	Code Enforcement Officer	Non-Exempt, Hourly	31.94	33.22	34.55	35.93	37.37	38.86	
	Construction Inspector	Non-Exempt, Hourly	66,439	69,097	71,861	74,735	77,725	80,834	
	Executive Assistant to City Manager	EXEMPT, Annual							
48	Associate Planner	EXEMPT, Annual	32.74	34.05	35.41	36.83	38.30	39.83	
			68,100	70,824	73,657	76,604	79,668	82,854	
49	Asset Management Functional Analyst	EXEMPT, Annual	33.56	34.90	36.30	37.75	39.26	40.83	
	PRCS Supervisor I - Recreation	EXEMPT, Annual	69,803	72,595	75,499	78,519	81,659	84,926	
50	<u>B&amp;O Tax Analyst</u>	<u>EXEMPT, Annual</u>	34.40	35.77	37.20	38.69	40.24	41.85	
	Budget Analyst	EXEMPT, Annual	71,548	74,410	77,386	80,482	83,701	87,049	
	Combination Inspector	Non-Exempt, Hourly							
	Community Diversity Coordinator	EXEMPT, Annual							
	Community Diversity Coordinator	Non-Exempt, Hourly							
	Emergency Management Coordinator	EXEMPT, Annual							
	Environmental Services Analyst	EXEMPT, Annual							
	Management Analyst	EXEMPT, Annual							
	Neighborhoods Coordinator	EXEMPT, Annual							
	Plans Examiner II	Non-Exempt, Hourly							
	Utility Operations Specialist	Non-Exempt, Hourly							
	WW Utility Specialist	Non-Exempt, Hourly							
51			35.26	36.67	38.14	39.66	41.25	42.90	
			73,337	76,270	79,321	82,494	85,793	89,225	
52	Senior Human Resources Analyst	EXEMPT, Annual	36.14	37.59	39.09	40.65	42.28	43.97	
	Web Developer	EXEMPT, Annual	75,170	78,177	81,304	84,556	87,938	91,456	

# Attachment B

City of Shoreline  
Range Placement Table  
2.5% Between Ranges; 4% Between Steps

June '16 cpi-U 256.098  
June '17 cpi-U 263.756  
% Change 3.00%  
90% of % Change: 2.70%

Mkt Adj: 2.70%  
Effective: January 20, 2018

The hourly rates represented here have been rounded to 2 decimal points and annual rates to the nearest dollar. Pay is calculated using 5 decimal points for accuracy and rounded after cal

Range	Title	FLSA Status	Min						Max
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
53	Communications Program Manager	EXEMPT, Annual	37.04	38.52	40.07	41.67	43.33	45.07	
	CRT Supervisor	EXEMPT, Annual	77,049	80,131	83,336	86,670	90,137	93,742	
	PRCS Supervisor II - Aquatics	EXEMPT, Annual							
	PRCS Supervisor II - Recreation	EXEMPT, Annual							
54	CMO Management Analyst	EXEMPT, Annual	37.97	39.49	41.07	42.71	44.42	46.20	
	Grants Administrator	EXEMPT, Annual	78,975	82,134	85,420	88,837	92,390	96,086	
	Plans Examiner III	Non-Exempt, Hourly							
	PW Maintenance Superintendent	EXEMPT, Annual							
	Senior Planner	EXEMPT, Annual							
	Senior Management Analyst	EXEMPT, Annual							
55	Engineer I - Capital Projects	EXEMPT, Annual	38.92	40.47	42.09	43.78	45.53	47.35	
	Engineer I - Development Review	EXEMPT, Annual	80,950	84,188	87,555	91,058	94,700	98,488	
	Engineer I - Surface Water	EXEMPT, Annual							
	Engineer I - Traffic	EXEMPT, Annual							
56	Budget Supervisor	EXEMPT, Annual	39.89	41.49	43.15	44.87	46.67	48.53	
	City Clerk	EXEMPT, Annual	82,974	86,293	89,744	93,334	97,067	100,950	
	Parks Superintendent	EXEMPT, Annual							
57	Network Administrator	EXEMPT, Annual	40.89	42.52	44.22	45.99	47.83	49.75	
	IT Projects Manager	EXEMPT, Annual	85,048	88,450	91,988	95,667	99,494	103,474	
		EXEMPT, Annual							
58			41.91	43.59	45.33	47.14	49.03	50.99	
			87,174	90,661	94,288	98,059	101,981	106,061	
59	Engineer II - Capital Projects	EXEMPT, Annual	42.96	44.68	46.46	48.32	50.26	52.27	
	Engineer II - Development Review	EXEMPT, Annual	89,353	92,928	96,645	100,511	104,531	108,712	
	Engineer II - Surface Water	EXEMPT, Annual							
	Engineer II - Traffic	EXEMPT, Annual							
	IT Systems Analyst	EXEMPT, Annual							
	Structural Plans Examiner	EXEMPT, Annual							
	Limited Term Sound Transit Project Manager	EXEMPT, Annual							
	Wastewater Manager	EXEMPT, Annual							
60	Community Services Manager	EXEMPT, Annual	44.03	45.79	47.63	49.53	51.51	53.57	
	Fleet and Facilities Manager	EXEMPT, Annual	91,587	95,251	99,061	103,023	107,144	111,430	
	Permit Services Manager	EXEMPT, Annual							
	Recreation Superintendent	EXEMPT, Annual							
61			45.13	46.94	48.82	50.77	52.80	54.91	
			93,877	97,632	101,537	105,599	109,823	114,216	
62			46.26	48.11	50.04	52.04	54.12	56.28	
			96,224	100,073	104,076	108,239	112,568	117,071	
63	Building Official	EXEMPT, Annual	47.42	49.31	51.29	53.34	55.47	57.69	
	City Traffic Engineer	EXEMPT, Annual	98,630	102,575	106,678	110,945	115,383	119,998	
	Economic Development Program Manager	EXEMPT, Annual							
	Intergovernmental Program Manager	EXEMPT, Annual							
	Planning Manager	EXEMPT, Annual							
	SW Utility & Environmental Svcs Manager	EXEMPT, Annual							
64	Finance Manager	EXEMPT, Annual	48.60	50.55	52.57	54.67	56.86	59.13	
			101,095	105,139	109,345	113,719	118,267	122,998	
65	Assistant City Attorney	EXEMPT, Annual	49.82	51.81	53.88	56.04	58.28	60.61	
	Development Review and Construction Manager	EXEMPT, Annual	103,623	107,768	112,078	116,561	121,224	126,073	
	Engineering Manager	EXEMPT, Annual							
	Transportation Services Manager	EXEMPT, Annual							

# Attachment B

City of Shoreline  
Range Placement Table  
2.5% Between Ranges; 4% Between Steps

June '16 cpi-U 256.098  
June '17 cpi-U 263.756  
% Change 3.00%  
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Effective: January 20, 2018

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Range	Title	FLSA Status	Min						Max
			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 6
66	Information Technology Manager	EXEMPT, Annual	51.06 106,213	53.11 110,462	55.23 114,880	57.44 119,476	59.74 124,255	62.13 129,225	
67	Utility & Operations Manager	EXEMPT, Annual	52.34 108,869	54.43 113,223	56.61 117,752	58.88 122,462	61.23 127,361	63.68 132,455	
68			53.65 111,590	55.80 116,054	58.03 120,696	60.35 125,524	62.76 130,545	65.27 135,767	
69	City Engineer	EXEMPT, Annual	54.99 114,380	57.19 118,955	59.48 123,714	61.86 128,662	64.33 133,809	66.90 139,161	
70			56.37 117,240	58.62 121,929	60.96 126,806	63.40 131,879	65.94 137,154	68.58 142,640	
71			57.77 120,171	60.09 124,977	62.49 129,977	64.99 135,176	67.59 140,583	70.29 146,206	
72			59.22 123,175	61.59 128,102	64.05 133,226	66.61 138,555	69.28 144,097	72.05 149,861	
73	Human Resource Director	EXEMPT, Annual	60.70 126,254	63.13 131,304	65.65 136,557	68.28 142,019	71.01 147,700	73.85 153,608	
74			62.22 129,411	64.71 134,587	67.29 139,971	69.99 145,569	72.78 151,392	75.70 157,448	
75	Administrative Services Director Parks, Rec & Cultural Svcs Director Planning & Community Development Director Public Works Director	EXEMPT, Annual EXEMPT, Annual EXEMPT, Annual EXEMPT, Annual	63.77 132,646	66.32 137,952	68.98 143,470	71.73 149,209	74.60 155,177	77.59 161,384	
76	Assistant City Manager City Attorney	EXEMPT, Annual EXEMPT, Annual	65.37 135,962	67.98 141,401	70.70 147,057	73.53 152,939	76.47 159,056	79.53 165,419	

DRAFT AS OF 12/27/2017

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.*

**DEFINITION**

To administer the Business and Occupation tax program as well as other miscellaneous tax programs; providing taxpayer assistance and education, account maintenance and ensuring compliance with the tax and business license codes.

**SUPERVISION RECEIVED AND EXERCISED**

Receives limited direction from the assigned supervisor or manager.

**ESSENTIAL AND MARGINAL FUNCTION STATEMENTS** *Essential and other important responsibilities and duties may include, but are not limited to, the following:*

**Essential Functions:**

1. Assist in establishing the Business and Occupation tax program and subsequently administering the program. Representative work will include assistance with developing policies, procedures, codes and other operating protocols related to the program.
2. Serve as the functional expert and business analyst for the tax computer system; relying on the information technology division for technical support and collaborating with the IT Analyst. Representative work will include installation, testing, debugging, troubleshooting, managing interfaces and working with vendors.
3. Serve as a tax subject matter expert, collaborating with the City Attorney to interpret relative tax law and court decisions. Additionally, maintain tax statistics and information resources.
4. Provide customer assistance and service to tax payers on the most complex questions that cannot be routinely answered by other staff. Representative work will include explaining tax code and how to file taxes, providing information and tax rates, and developing and providing taxpayer education and outreach programs.
5. Review customer accounts and tax filings for accuracy and compliance with code. Representative work will include detailed taxpayer account reconciliations, identification of refunds, reviewing transactions and business licenses, and identification of unregistered businesses.
6. Conduct routine tax compliance audits, Representative work will include:
  - determining the audit scope, examination procedures, professional investigative and auditing techniques to verify and interpret source documents, evaluate accounting and reporting records,
  - conducting interviews to acquire an understanding of business activities, accounting systems, reports, documents and tax reporting procedures;
  - performing calculations and determining whether the correct tax and license fees have been paid;
  - preparing audit worksheets, schedules, reports and files, and
  - educating taxpayers and explaining complex tax law in a clear, concise manner.
7. Remain aware of past due taxes and take action on complex account delinquencies that cannot be resolved through routine efforts. Work with delinquent taxpayers and unregistered businesses to promote tax-filing and license registration compliance.
8. As needed and assigned, provide analytical and/or coordination support for other departmental functions. Representative assignments might be assisting the budget office during peak times, or monitoring trends, or analyzing data.

Page 1 of 2

**Marginal Functions:**

1. Participate in special projects as assigned.
2. Perform related duties and responsibilities as required.

**QUALIFICATIONS**

**Knowledge of:**

Principles and methods of conducting tax audits.

Government tax software.

Principles and methods of performing statistical analyses.

City and State tax laws and regulations; specific experience in Washington State and Local Tax laws preferred.

General accounting techniques.

Principles and procedures of record keeping.

Principles of business letter writing and basic report preparation.

Understanding of general and industry specific business and accounting practices.

**Ability to:**

Reconcile routine accounting transactions and taxpayer accounts.

Establish and maintain effective working relationships with external and internal customers and coworkers

Analyze transactions and complex financial information.

Prioritize and manage many projects and tasks simultaneously, with numerous interruptions, and meet strict deadlines.

Proficiently use Windows based word processing, spreadsheet and database software; including but not limited to template use, formulas, and queries.

Maintain and disseminate confidential information in a professional manner in accordance with statute and policy for the city and other impacted agencies.

Propose changes and streamline processes.

Work both independently and cooperatively with customers, co-workers, other City Staff, and other outside agencies as required.

**Experience and Training Guidelines**

*Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

**Experience:**

Two years of increasingly responsible experience in accounting, taxation, finance or closely related field; specific state or local tax experience preferred.

Experience performing financial audits preferred.

**Training:**

Equivalent to a bachelor's degree from an accredited college or university with major course work related to business and accounting.

**WORKING CONDITIONS**

**Environmental Conditions:**

Office environment; may travel from site to site; exposure to computer screens.

**Note:**

1. Any combination of education and experience may be substituted, so long as it provides the desired skills, knowledge and abilities to perform the essential functions of the job.
2. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.
3. While requirements may be representative of minimum levels of knowledge, skills and abilities to perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently.
4. This job description in no way implies that these are the only duties to be performed. Employees occupying the position will be required to follow any other job-related instructions and to perform any other job related duties requested by their supervisor.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** QUASI-JUDICIAL: Adopting Ordinance No. 811 – Approving the Argueta Rezone Application to Amend the City’s Official Zoning Map from Residential 8-units Per Acre (R-8) to Residential 24-units Per Acre (R-24) for Three Parcels of Land Located at 903, 909, and 915 North 167<sup>th</sup> Street

**DEPARTMENT:** Planning & Community Development

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

**ACTION:**     ☒ Ordinance     ☐ Resolution     ☐ Motion  
                  ☐ Discussion     ☐ Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Mr. Jose Argueta requests application approval for a rezone of three (3) parcels (Subject Property) from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24), for the purpose of building townhomes. Per Shoreline Municipal Code (SMC) Section 20.30.060, this request is a Type C permit and therefore is a quasi-judicial decision. The public hearing for this requested rezone was held on November 15, 2017 by the Hearing Examiner which created the record for the basis of a recommendation from the Hearing Examiner to the City Council. As such, the City Council cannot hear any additional public comment on this item and should not have external discussion regarding this request with members of the public.

The Hearing Examiner’s Findings, Conclusions, and Recommendation (Attachment A, Exhibit A), dated, November 29, 2017, state that the rezone application meets all of the criteria for a rezone and should therefore be approved. The City Council discussed proposed Ordinance No. 811 (Attachment A) on January 8, 2018 and directed staff to bring back the ordinance for Council consideration. Adoption of proposed Ordinance No. 811 would approve this rezone application.

**RESOURCE/FINANCIAL IMPACT:**

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add up to fourteen dwelling units adding to the City’s property tax base.

**RECOMMENDATION**

The Hearing Examiner recommends that the Council adopt proposed Ordinance No. 811 to rezone three (3) parcels of land located at 903, 909, and 915 North 167<sup>th</sup> Street from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24).

Approved By:           City Manager **DT**     City Attorney **MK**

## **BACKGROUND**

Rezoning is provided for in SMC 20.30.320. The purpose of a rezoning is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

SMC 20.30.060 classifies a rezoning as a Type C decision. Pursuant to Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council. The City Council is the final decision making authority on a rezoning.

Mr. Jose Argueta (the Applicant) proposes to rezone adjacent parcels located at 903, 909, and 915 North 167<sup>th</sup> Street from R-8 to R-24 for the purpose of constructing townhomes. The Applicant is the property owner of the parcel located at 903 North 167<sup>th</sup> Street. The parcel located at 909 North 167<sup>th</sup> Street is owned by the Sarah Taylor Sherman Trust and the parcel located at 915 North 167<sup>th</sup> Street is owned by the Estate of Genevieve Brenny (collectively, "Adjacent Property Owners").

The Adjacent Property Owners are requesting their properties to be included in the proposed rezoning but have no immediate plans to redevelop the properties (Attachment B – Affidavits).

Per SMC Section 20.30.060, this request is a Type C permit and therefore is a quasi-judicial decision. The public hearing was held by the Hearing Examiner on November 15, 2017 which created the record for the basis of a recommendation from the Hearing Examiner to the City Council. As such, the City Council cannot hear any additional public comment on this item and should not have external discussion regarding this request with members of the public.

### **Project Description**

The Applicant has not yet submitted plans for the proposed townhomes but has indicated that the property at 903 North 167<sup>th</sup> Street will be developed first. The intended development will consist of two buildings, each with three townhomes (Attachment C – Site Plan).

### **Property Descriptions**

The site at 903 North 167<sup>th</sup> Street is 10,200 square feet (0.23 acres). There is currently a one-story, 1,020 square foot, single-family home that is occupied by the Applicant.

The site at 909 North 167<sup>th</sup> Street is 5,100 square feet (0.12 acres). There is currently a one-story, 1,120 square foot, single-family home on the site.

The site at 915 North 167<sup>th</sup> Street is 10,200 square feet (0.23 acres). There is currently a one-story, 1,650 square foot, single-family home on the site.

All three parcels together (collectively, "Subject Property") are 25,500 square feet (0.59 acres) and are located approximately 400 feet east of Aurora Avenue North (Attachment D – Vicinity Map). The Subject Property is relatively flat with no known critical areas

present. The Subject Property has no significant trees and there are no sidewalks along North 167<sup>th</sup> Street or Linden Avenue North.

### **Zoning and Land Use**

The Subject Property is located approximately 400 feet east of Aurora Avenue N in the Richmond Highlands Neighborhood (Attachment E – Current Zoning Map). The Subject Property is currently zoned R-8.

The surrounding area has a mix of zoning. The parcel to the west, across Linden Avenue N, is zoned R-6 and is the location of the City's Richmond Highlands Recreation Center and Park. The parcels immediately to the north and northwest, across N 167<sup>th</sup> Street, are zoned R-6 and are developed with single-family homes. The parcel across N 167<sup>th</sup> Street to the northeast, however, is zoned R-18 and maintains a 10-unit townhome development. The parcels to the south are zoned R-24 and are developed with townhomes. The parcel to the east is zoned R-18 and developed with four-plex apartments.

The Subject Property and the parcels to the south have a Comprehensive Plan Land Use designation of Mixed Use 2 (Attachment F – Comprehensive Plan Land Use Map). As provided in Comprehensive Plan Policy LU10, the Mixed-Use 2 (MU2) designation is similar to the Mixed-Use 1 (MU1) designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The MU2 designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The adjoining parcels to the east have a Comprehensive Plan Land Use designation of MU1. The MU1 designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions. *Id.*

Parcels to the north, across N 167<sup>th</sup> Street, have a Comprehensive Plan Land Use designation of Low Density Residential and High Density Residential. The Low Density Residential land use designation allows single-family detached dwelling units. Other dwelling types, such as duplexes, single-family attached, cottage housing, and accessory dwellings, may be allowed under certain conditions. The permitted base density for this designation may not exceed six (6) dwelling units per acre. *Id.*

The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre. *Id.*

The parcel to the west, across Linden Avenue N, has a Comprehensive Plan Land Use designation of Public Open Space and is developed with the Richmond Highlands Park.

The current zoning of R-8 permits townhomes, however, this zoning district would limit the development of the Subject Property to only five (5) townhouse units. Under the proposed R-24 zoning, the Subject Property could support 14 units.

The Subject Property is accessed from Linden Avenue N or N 167<sup>th</sup> Street which are classified as Nonarterial Streets in the City's Transportation Master Plan.

### **Public Notice and Comment**

Staff analysis of the proposed rezone considered information gathered from a pre-application meeting on March 14, 2017, two neighborhood meetings, public comments, site visits, the Shoreline Comprehensive Plan, and the Shoreline Municipal Code, Title 20 Unified Development Code.

Per SMC 20.30.060 and 20.30.090, the Applicant held two neighborhood meetings, one on April 3, 2017 and another on September 18, 2017. Comments raised at the neighborhood meetings were related to increased traffic, traffic speed on local streets, lack of neighborhood parking, and lack of sidewalks (Attachment G – Neighborhood Meeting Summary).

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application for the proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 3, 2017 (Attachment H). The notice of public hearing for the rezone proposal was also posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 26, 2017 (Attachment I).

The City received one public comment letter in response to the proposed rezone and one comment was submitted at the public hearing. The public comment letter and comment are included as Attachment J.

### **Agency Comment**

The Applicant's proposal was circulated among City departments and outside agencies for review and comment. The Public Works Department commented on the proposal and stated that proposal will require frontage and sidewalk improvements around the Subject Property when developed.

The Applicant has submitted a Certificate of Water Availability from Seattle Public Utilities and a Certificate of Sewer Availability from Ronald Wastewater District. Both of these agencies state that sewer and water are available to the Subject Property.

### **Environmental Review**

The City of Shoreline is acting as Lead Agency for the State Environmental Policy Act (SEPA) review and environmental determination. The City issued a SEPA Determination of Non-significance on October 26, 2017 (Attachment K).

## **DISCUSSION**

### **Rezone Applications – Legal Standard**

Three general rules apply to rezoning applications: (1) there is no presumption of validity favoring a rezoning; (2) the rezoning proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezoning must have a substantial relationship to the public health, safety, morals, and general welfare. *Phoenix Development Inc. v. City of Woodinville*, 171 Wn. 2d 820, 834 (2011) (citing *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997)).

However, as is the case for this rezoning application, when a proposed rezoning implements the policies of a comprehensive plan, the rezoning proponent is not required to demonstrate changed circumstances. *Bjarnson v. Kitsap County*, 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address these general rules as well as other considerations the City has established for determining whether or not a rezoning should be granted.

### **Decision Criteria – SMC 20.30.320(B)**

Decision criterion that the Hearing Examiner must examine for a rezoning is set forth in SMC 20.30.320(B). The Applicant provided responses to the following decision criteria (Attachment L) and staff has analyzed each of the criteria in the staff report to the Hearing Examiner (Attachment A, Exhibit B).

SMC 20.30.320(B) provides that an application for a rezoning of property may be approved or approved with modifications if:

1. The rezoning is consistent with the Comprehensive Plan.
2. The rezoning will not adversely affect the public health, safety or general welfare.
3. The rezoning is warranted in order to achieve consistency with the Comprehensive Plan.
4. The rezoning will not be materially detrimental to uses or property in the immediate vicinity of the subject rezoning.
5. The rezoning has merit and value for the community.

Staff's analysis of these criteria concluded that the proposed rezoning met all the required criteria and it was staff's recommendation that the Hearing Examiner provide a recommendation to the City Council to approve the rezoning application. The Hearing Examiner's findings, conclusions and recommendation (Attachment A, Exhibit B) found that the Department's Staff Report provided a thorough analysis of the application's consistency with each of the rezoning criteria. The Hearing Examiner also concluded that the application meets all the criteria for a rezoning and should therefore be approved.

### **January 8, 2018 Council Discussion**

At the January 8, 2017 Council discussion on the rezoning, some Councilmembers asked questions about the difference between the R-18 and R-24 zoning categories. Some Councilmembers also inquired about approving an R-18 zoning amendment as opposed to the requested R-24 zone. At the meeting, the City Attorney advised the Council that

the rezone may be approved based on the findings and recommendations of the Hearing Examiner or the Council may deny the request based on the rezone criteria not being met. If the rezone is denied, the applicant may resubmit an application to change the subject property from R-8 to R-18.

### **ALTERNATIVE ANALYSIS**

The City Council has three options:

1. Approve the rezone application as recommended by the Hearing Examiner (staff recommendation).
2. Deny the rezone application. The Council would need to provide at least a basic reason for making this decision which is contrary to the recommendation of the Hearing Examiner.
3. Approve the rezone application with conditions. Staff does not recommend that the Council add any conditions to the approval of the rezone application. The Hearing Examiner did not recommend any conditions to the approval. Changing the zoning from the recommended R-24 to R-18 would not be a “condition” and as such, if the Council desires a different zoning than that recommended by the Hearing Examiner and requested by the applicant, then the Council would need to deny the request (option 2).

### **RESOURCE/FINANCIAL IMPACT**

The proposed rezone will not have a direct resource or financial impact to the City. The rezone does have the potential to add up to fourteen dwelling units adding to the City’s property tax base.

### **RECOMMENDATION**

The Hearing Examiner recommends that the Council adopt proposed Ordinance No. 811 to rezone three (3) parcels of land located at 903, 909, and 915 North 167<sup>th</sup> Street from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24).

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 811  
Attachment A, Exhibit A – City of Shoreline Hearing Examiner Findings, Conclusions and Recommendations for Jose Argueta Rezone Application  
Attachment A, Exhibit B – City of Shoreline Planning and Community Development Staff Report for Jose Argueta Rezone Application  
Attachment A, Exhibit C – Amended Zoning Map  
Attachment B – Affidavits  
Attachment C – Proposed Site Plan  
Attachment D – Vicinity Map  
Attachment E – Current Zoning Map  
Attachment F – Comprehensive Plan Land Use Map  
Attachment G – Neighborhood Meeting Summary  
Attachment H – Notice of Application  
Attachment I – Notice of Public Hearing

Attachment J – Public Comment Letters

Attachment K – City of Shoreline SEPA Determination of Non-significance

Attachment L – Applicant's Response to Decision Criterion

**ORDINANCE NO. 811**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE JOSE ARGUETA REZONE APPLICATION TO AMEND THE CITY'S OFFICIAL ZONING MAP FROM R-8 TO R-24 FOR THREE PARCELS OF LAND LOCATED AT 903, 909, AND 915 NORTH 167<sup>th</sup> STREET.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, the applicants, via Application No. PLN17-0062, seeks a site-specific rezone of three parcels of land located at 903, 909, and 915 North 167<sup>th</sup> Street, identified by Tax Parcel Nos. 0726049202, 0726049203, and 0726049204; and

WHEREAS, the requested site-specific rezone would amend the City's Official Zoning Map for these parcels from the current zoning of Residential 8 units per acre (R-8) to Residential 24 units per acre (R-24); and

WHEREAS, the site-specific rezone implements the Comprehensive Plan land use designation for the parcels of Mixed Use 2; and

WHEREAS, the environmental impacts of the site-specific zone resulted in the issuance of a Determination of Non-Significance (DNS) on June 19, 2017; and

WHEREAS, SMC 20.30.060 classifies a site-specific rezone as a Type C decision for which the City of Shoreline Hearing Examiner, after an open record public hearing, prepares findings and conclusions, and makes a recommendation to the City Council; and

WHEREAS, the City of Shoreline Hearing Examiner held a properly noticed open record public hearing on November 15, 2017; and

WHEREAS, on November 29, 2017, the City of Shoreline Hearing Examiner issued "Findings, Conclusions and Recommendation," finding that the site-specific rezone satisfied the criteria set forth in SMC 20.30.320; and

WHEREAS, the City of Shoreline Hearing Examiner recommended approval of the site-specific rezone; and

WHEREAS, pursuant to SMC 20.30.060, the City Council has final decision making authority and this decision is to be made at a public meeting; and

WHEREAS, the City Council considered the Hearing Examiner's recommendation at its January 8, 2018 regular meeting; and

WHEREAS, the City Council concurs with the November 29, 2017 "Findings, Conclusions, and Recommendation" of the City of Shoreline Hearing Examiner and determines that the site-specific rezone should be approved;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Hearing Examiner's Recommendation.** The City of Shoreline Hearing Examiner's November 29, 2017 Findings, Conclusion and Recommendation attached as Exhibit A, is hereby adopted. The Staff Report that Conclusion (4) of Exhibit A relies upon is attached as Exhibit B.

**Section 2. Amendment.** The City's Official Zoning Map shall be amended to change the zoning designation for the parcels located at 903, 909, and 915 North 167<sup>th</sup> Street, identified by Tax Parcel Nos. 0726049202, 0726049203, and 0726049204, as depicted in Exhibit C, from Residential 8 units per acre (R-8) to Residential 24 units per acre (R-24).

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON THE 22<sup>nd</sup> DAY OF JANUARY, 2018.**

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Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: , 2018  
Effective Date: , 2018

**CITY OF SHORELINE HEARING EXAMINER  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

**RECEIVED**

**PROPOSAL INFORMATION SUMMARY**

NOV 29 2017

CITY CLERK  
CITY OF SHORELINE

**Project:** Jose Argueta Rezone Application  
**File Number:** PLN17-0062  
**Applicant:** Jose Argueta  
**Property Location:** 903, 909, and 915 North 167<sup>th</sup> Street, Shoreline WA 98133  
**Recommendation:** Planning and Community Development Department:  
Approve  
**Public Hearing:** November 15, 2017

**Introduction**

The applicant seeks a rezone of property from R-8 to R-24 for construction of townhomes. A public hearing on the application was held on November 15, 2017, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North in Shoreline. The Planning and Community Development Department ("Department") was represented by Steve Szafran, Senior Planner. The applicant, Jose Argueta, was represented by Dave Hynden. The Department's Staff Report, with 10 attachments, was admitted into the record. The Hearing Examiner inspected the site prior to the hearing.

For purposes of this decision, all section numbers refer to the Shoreline Municipal Code ("SMC" or "Code") unless otherwise indicated. After considering the evidence in the record, the Hearing Examiner enters the following findings of fact, conclusions and recommendation on the application.

**Findings of Fact**

1. The subject property consists of three parcels that together are 25,000 square feet, and is located at the corner of Linden Avenue N and N 167<sup>th</sup> Street. The property is zoned R-8, and is located in the Richmond Highlands Neighborhood. It is relatively flat, with no identified critical areas. The parcel addressed as 903 North 167<sup>th</sup> Street is owned by the applicant. The applicant has indicated plans to develop two buildings containing three townhomes each, but no plans have been submitted to the City for approval. The parcels addressed as 909 North 167<sup>th</sup> Street and 915 North 167<sup>th</sup> Street are owned separately, and the owners have no immediate plans for development.

2. Each lot within the site is developed with a single-family residence. Parcels to the north across N 167<sup>th</sup> Street are zoned R-6 and R-18, and are developed with single family homes and a 10-unit townhome. Properties to the east are zoned R-18, and are developed with four-plex

apartments. To the west, across Linden Avenue N, is R-6 zoned property developed with a community park. To the south properties are zoned R-24, and are developed with townhomes.

3. The Comprehensive Plan Land Use designation for the site is Mixed Use 2. This designation is intended to create a transition between commercial uses and lower intensity residential uses and also allows some commercial uses.

4. The site is accessed via N 167<sup>th</sup> Street. There are currently no sidewalks adjacent to the site. One block to the east is Aurora Avenue, which is an arterial and a major transit corridor.

5. Townhomes are a permitted use on the subject property. The existing R-8 zoning would allow redevelopment with 5 townhouse units. The proposed R-24 zoning would allow fourteen units.

6. The Applicant seeks a rezone of the subject property to R-24 for purposes of constructing townhomes, each of which would have parking space for two vehicles. Exhibit 1, attachment 2.

7. The Staff Report recites the public notice and public involvement process for the application, as well as agency comment. Exhibit 1 at 3. Comments raised at the neighborhood meetings were related to increased traffic, traffic speed on local streets, parking, and sidewalks. The Department received one public comment letter expressing concern about a potential increase in traffic, lack of sidewalks, lack of neighborhood parking, incompatibility with single-family homes, and additional issues related to the application. Exhibit 1, attachment 9.

8. Two members of the public testified at the public hearing on the proposal and expressed concern about the proposal adding vehicles to existing traffic and parking issues in the area, the lack of sidewalks, and loss of solar access. The Department noted that the project would be fully reviewed for traffic concurrency, and that impact fees would be imposed if warranted.

9. The Department issued a SEPA Determination of Non-Significance for the proposal on October 26, 2017, which was not appealed. Exhibit 1, attachment 10.

10. The Department reviewed the proposal and recommends that the rezone be approved. Exhibit 1.

11. SMC 20.30.320 provides that a rezone may be approved if it meets the following criteria:

1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.

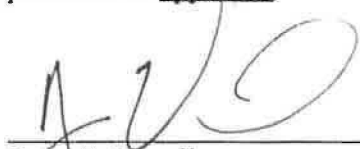
### Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on this application pursuant to SMC 20.30.060.
2. Under Rule 3.6 of the Rules of Procedure for Administrative Hearings of the City of Shoreline, the applicant has the burden of establishing that the application complies with applicable laws and regulations.
3. Public comments concerning the proposal primarily voiced concerns about existing traffic and parking issues in the area and an existing lack of infrastructure, such as sidewalks. These are valid concerns, but existing conditions are not sufficient grounds on which to deny the proposal. In addition, in this case, these concerns are better addressed at the project level of the proposal rather than to a rezone of the property where the particular project to be developed is not under review.
4. The Department's Staff Report at pages 3-8 provides a thorough analysis of the application's consistency with each of the rezone criteria. The Staff Report's rezone analysis is adopted by reference.
5. The application meets all the criteria for a rezone and should therefore be approved.

### Recommendation

The Hearing Examiner recommends that the rezone application be approved.

Entered this 29<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_  
Ryan P. Vancil  
Hearing Examiner

**CITY OF SHORELINE**  
**PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT**

**Project Name:** Jose Argueta Rezone Application

**Project File No.:** PLN17-0062

**REQUEST:** Jose Argueta requests application approval for a rezone of three (3) parcels from Residential 8-units per acre (R-8), a medium density residential zone, to Residential 24-units per acre (R-24), a high density residential zone.

**GENERAL INFORMATION:**

**Applicant:** Jose Argueta  
903 North 167<sup>th</sup> Street  
Shoreline, WA 98133

**Property Owners:** Jose Argueta, Genevieve Brenny, and the Sarah Taylor Sherman Trust

**Property Location:** 903, 909, and 915 North 167<sup>th</sup> Street, Shoreline, WA 98133

**Tax Parcel Numbers:** 0726049202, 0726049203, and 0726049204

**Legal Description:** 903 = E 60 FT OF W 82 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4  
LESS CO RD  
909 = LOT 1 SHORELINE SP SHSP 2008-04 REC #20091217900015 SD SP  
BEING E 60 FT OF W 142 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4  
LESS CO RD  
915 = E 61 FT OF W 203 FT OF N 200 FT OF SE 1/4 OF SE 1/4 OF SW 1/4  
LESS CO RD

**PROJECT DESCRIPTION:**

The Applicant proposes to rezone adjacent parcels located at 903, 909, and 915 North 167<sup>th</sup> Street from R-8 to R-24 for the purpose of constructing townhomes. The Applicant is the property owner of the parcel located at 903 North 167<sup>th</sup> Street. The parcel located at 909 North 167<sup>th</sup> Street is owned by the Sarah Taylor Sherman Trust and the parcel located at 915 North 167<sup>th</sup> Street is owned by Genevieve Brenny (collectively, "Adjacent Property Owners").

The Adjacent Property Owners are requesting their properties to be included in the proposed rezone but have no immediate plans to redevelop the properties. (**Attachment 1 – Affidavits**). The Applicant has not yet submitted plans for the townhomes but has indicated that the property at 903 North 167<sup>th</sup> Street will be developed first. The intended development will consist of two buildings, each with three townhomes. (**Attachment 2 – Site Plan**).

**PROPERTY DESCRIPTION:**

The site at 903 North 167<sup>th</sup> Street is 10,200 square feet (.23 acres). There is currently a one-story, 1,020 square feet, single-family home that is occupied by the applicant.

The site at 909 North 167<sup>th</sup> Street is 5,100 square feet (.12 acres). There is currently a one-story, 1,120 square foot, single-family home on the site.

The site at 915 North 167<sup>th</sup> Street is 10,200 square feet (.23 acres). There is currently a one-story, 1,650 square foot, single-family home on the site.

All three parcels together (collectively, “Subject Property”) are 25,500 square feet (.59 acres) and are located approximately 400 feet east of Aurora Avenue North (**Attachment 3 – Vicinity Map**). The Subject Property is relatively flat with no known critical areas present. The Subject Property has no significant trees and there are no sidewalks along North 167<sup>th</sup> Street or Linden Avenue North.

### **ZONING and LAND USE:**

The Subject Property is located approximately 400 feet east of Aurora Avenue N in the Richmond Highlands Neighborhood (**Attachment 4 – Zoning Map**). The Subject Property is currently zoned R-8.

The surrounding area has a mix of zoning. The parcel to the west, across Linden Avenue N, is zoned R-6 and is the located of the City’s Richmond Beach Recreation Center and ballfields. The parcels immediately to the north and northwest, across N. 167<sup>th</sup> Street, are zoned R-6 and is developed with single-family homes. The parcel across N. 167<sup>th</sup> Street to the northeast, however, is zoned R-18 and maintains a 10-unit townhome development. The parcels to the south are zoned R-24 and are developed with townhomes. The parcel to the east is zoned R-18 and developed with four-plex apartments.

The Subject Property and the parcels to the south have a Comprehensive Plan Land Use designation of Mixed Use 2 (**Attachment 5 – Comprehensive Plan**). As provided in Comprehensive Plan Policy LU10, the Mixed-Use 2 (MU2) designation is similar to the Mixed-Use 1 (MU1) designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The MU2 designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The adjoining parcels to the east have a Comprehensive Plan Land Use designation of Mixed Use 1. The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions. *Id.*

Parcels to the north, across N. 167<sup>th</sup> Street, have a Comprehensive Plan Land Use designation of Low Density Residential and High Density Residential. The Low Density Residential land use designation allows single-family detached dwelling units. Other dwelling types, such as duplexes, single-family

attached, cottage housing, and accessory dwellings may be allowed under certain conditions. The permitted base density for this designation may not exceed 6 dwelling units per acre. *Id.*

The High Density Residential designation is intended for areas near employment and/or commercial areas, where high levels of transit service are present or likely. This designation creates a transition between commercial uses and lower intensity residential uses. Some commercial uses may also be permitted. The permitted base density for this designation may not exceed 48 dwelling units per acre. *Id.*

The parcel to the west, across Linden Avenue N, has a Comprehensive Plan Land Use designation of Public Open Space and is developed with the Richmond Highlands Park.

The current zoning of R-8 permits townhomes, however, this zoning district would limit the development of the Subject Property to only five (5) townhouse units. Under the proposed R-24 zoning, the Subject Property could support 14 units.

The Subject Property is accessed from Linden Avenue N or North 167<sup>th</sup> Street which are classified as Nonarterial Streets in the City's Transportation Master Plan.

#### **PUBLIC NOTICE AND COMMENT:**

Staff analysis of the proposed rezone considered information gathered from a pre-application meeting on March 14, 2017, two neighborhood meetings, public comments, site visits, the Shoreline Comprehensive Plan, and the Shoreline Municipal Code, Title 20 Unified Development Code.

Per SMC 20.30.060 and 20.30.090, the Applicant held two neighborhood meetings, one on April 3, 2017 and another on September 18, 2017. Comments raised at the neighborhood meetings were related to increased traffic, traffic speed on local streets, lack of neighborhood parking, and lack of sidewalks. (**Attachment 6** for summary)

As required by SMC 20.30.120 and 20.30.180, public notice of the rezone application for the proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 3, 2017 (**Attachment 7**) and notice of public hearing for the rezone proposal was posted on site, mailed to all residents within 500 feet, advertised in the *Seattle Times*, and posted on the City's website on October 26, 2017 (See **Attachment 8**).

The City received one public comment letter in response to the proposed rezone. The public comment letter is included as **Attachment 9**.

#### **AGENCY COMMENT:**

The Applicant's proposal was circulated among City departments and outside agencies for review and comment. The Public Works Department commented on the proposal and will require frontage and sidewalk improvements around the Subject Property when developed.

The Applicant has submitted a Certificate of Water Availability from Seattle Public Utilities and a Certificate of Sewer Availability from Ronald Wastewater District. Both of these agencies state that sewer and water are available to the Subject Property.

#### **ENVIRONMENTAL REVIEW:**

The City of Shoreline is acting as Lead Agency for the SEPA review and environmental determination. The City issued a SEPA Determination of Non-Significance on October 26, 2017 (See **Attachment 10**).

### **DEPARTMENT ANALYSIS:**

Rezoning is provided for in Shoreline Municipal Code (SMC) 20.30.320. The purpose of a rezoning is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

SMC 20.30.060 classifies a rezoning as a Type C decision. Pursuant to Table 20.30.060, the City of Shoreline Hearing Examiner, after holding an open record public hearing and preparing findings and conclusions, makes a recommendation to the City Council. The City Council is the final decision making authority on a rezoning.

### **Rezoning Applications – Legal Standard**

Three general rules apply to rezoning applications: (1) there is no presumption of validity favoring a rezoning; (2) the rezoning proponent must demonstrate that circumstances have changed since the original zoning; and (3) the rezoning must have a substantial relationship to the public health, safety, morals, and general welfare. *Phoenix Development Inc. v. City of Woodinville*, 171 Wn. 2d 820, 834 (2011) (citing *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wash. 2d 861, 947 P.2d 1208 (1997)).

However, as is the case for the present rezoning application, when a proposed rezoning implements the policies of a comprehensive plan, the rezoning proponent is not required to demonstrate changed circumstances. *Bjarnson v. Kitsap County*, 78 Wash. App. 840, 899 P.2d 1290 (1995).

The decision criteria set forth in SMC 20.30.320(B) address these general rules as well as other considerations the City has established for determining whether or not a rezoning should be granted.

### **Decision Criteria – SMC 20.30.320(B)**

Decision criterion that the Hearing Examiner must examine for a rezoning is set forth in SMC 20.30.320(B). The Applicant provided responses to the following decision criteria and staff has analyzed each of the criteria below.

SMC 20.30.320(B) provides that an application for a rezoning of property may be approved or approved with modifications if:

#### **1. The rezoning is consistent with the Comprehensive Plan.**

##### **Applicant's Response:**

The rezoning request is a change from the existing zone of R-8 to the proposed zone of R-24. The Comprehensive Plan designation of the site is Mixed Use 2. The R-24 Zone is considered an implementing zone for this designation.

Comprehensive Plan Policy LU-10 reads, "The Mixed-Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The Mixed-Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest,

Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

Staff Analysis:

In addition to the policy stated by the Applicant, the proposed rezone also meets the following Goals and Policies:

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.

Goal LU II: Establish land use patterns that promote walking, biking and using transit to access goods, services, education, employment, recreation.

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

LU8: Provide, through land use regulation, the potential for a broad range of housing choices and levels of affordability to meet the changing needs of a diverse community.

Goal CD I: Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

T28. Encourage development that is supportive of transit, and advocate for expansion and addition of new routes in areas with transit supportive densities and uses.

Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.

Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods, and provides effective transitions between different uses and intensities.

H1: Encourage a variety of residential design alternatives that increase housing choice.

H3: Encourage infill development on vacant or underutilized sites.

H23: Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.

NE1. Promote infill and concurrent infrastructure improvements in areas that are already developed in order to preserve rural areas, open spaces, ecological functions, and agricultural lands in the region.

Based on the noted Comprehensive Plan Goals and Policies and the R-24 zone being one of the implementing zones of the Mixed-Use 2 Land Use Designation, the proposed rezone is consistent with the Comprehensive Plan and meets criteria #1.

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

Applicant's Response:

The Applicant states that this proposed rezone will not adversely affect public health, safety, or the general welfare of the City.

Staff Analysis:

The rezone will not adversely affect the public health, safety, or general welfare for the following reasons:

The Subject Property is located in close proximity of the Aurora Corridor, Richmond Highlands Park, and Shorewood High School. The Subject Property is adjoined by parcels zoned R-24 to the south, R-18 to the east and to the north, across North 167th Street, a mix of R-6 and R-18 zoning. The adjacent parcels to the south and east are designated for mixed-use development in the Comprehensive Plan and parcels to the north are designated for a mix of high-density residential and low-density residential uses.

The intended use for the Subject Property (townhomes) is an approved use in the R-24 zone and will be required to fully comply with the Shoreline Municipal Code at the time of building permit application. Specially, any future develop will be connected to sanitary sewer and public water system and will be required to install frontage improvements, including sidewalks and stormwater controls, to ensure public health and safety.

The rezone will not adversely affect the public health, safety or general welfare since the Applicant is not introducing a use (townhomes) that cannot already be developed on the site. The rezone will allow the Applicant and Adjacent Property owners to develop more townhomes than currently allowed which complies with the goals and policies of the Comprehensive Plan. The parcels to the south are in transition which is evident from the recent construction of multiple townhome projects.

This proposed rezone meets criteria #2.

**3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan.**

Applicant's Response:

The Applicant states that the rezone is warranted in order to achieve consistency with the Comprehensive Plan.

Staff Analysis:

The rezone is warranted in order to achieve consistency with the Comprehensive Plan. Policy LU-10 states:

The Mixed-Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. The Mixed-Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities

than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

The proposed rezone to R-24 is warranted since the proposal satisfies Land Use Policy LU-10. Specifically, this proposal will provide greater residential densities than are allowed in low-density residential designations. The proposed R-24 Zone is in an area near employment, commercial areas, and where high levels of transit are present. The proposed R-24 zone is similar to the R-24 zone directly to the south and the R-18 zone directly to the east.

It should be noted that the proposed R-24 zoning designation is one of many implementing zones in the Mixed-Use 2 Land Use Designation. The policy states, in part: “Greater residential densities than are allowed in the Low-Density Residential designations.” This statement from Policy LU-10 makes it clear that increased residential density should be allowed over that of the Low-Density Residential designation which allows up to an R-6 zone. What is not clear in Policy LU-10 is what the maximum density should be in the Mixed-Use 2 designation. The Mixed-Use 2 designation supports the R-8 zoning all the way up to a Community Business zone which does not have a density limit.

The Subject Property has R-24 zoning to the south and R-18 zoning to the east. Both zones implement the Land Use designation of Mixed-Use 2 and are very similar in terms of building height and hardscape. The only difference is the density limit. An R-24 zone will allow 14 units compared to 11 units if the site were to be rezoned to R-18.

Staff supports the request to rezone the Subject Property to R-24 because the five (5) parcels to the south were rezoned to R-24 in 2008 and the physical differences between the R-18 and R-24 are nominal. The R-24 zoning will allow more units to be developed where it is supported by the Comprehensive Plan.

This proposed rezone meets criteria #3.

**4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.**

Applicant Response:

The Applicant states that the rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone since new development will improve the area.

Staff Analysis:

The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone because the area around this proposed rezone has been in transition and parcels just south of the subject parcels have recently been redeveloping. The City Council approved Ordinance No. 499 in April 2008 which rezoned five (5) parcels at 16538, 16532, 16526, 16522, and 16520 Linden Avenue North from R-8 to R-24 directly to the south of the subject parcels. In the last year, townhomes have been constructed at the 16538 Linden address and four new units have been constructed at the 16532 address (**See Attachment 9 and Attachment 11**).

Any new development on the Subject Property will be required to comply with the City's Municipal Code, Stormwater Manual, Engineering Development Manual, and other City relevant codes that ensure the site will be developed with the latest building and engineering codes.

The rezone and any future development will be required to install frontage improvements which will improve pedestrian safety in front of the Subject Property. New development will be required to provide stormwater and surface water improvements which will mitigate flooding around the Subject Property. New development will also be required to provide sufficient parking onsite to mitigate any effects of street parking on the adjacent right-of-way.

Because of the recent development of townhomes near the Subject Property, improvements the surrounding area will gain when the Subject Property is developed in the future, and the rezone being supported by the Comprehensive Plan, this proposed rezone meets criteria #4.

##### **5. The rezone has merit and value for the community.**

###### Applicant's Response:

The Applicant states that the rezone has merit and value for the community because new development will be aesthetically pleasing with a slightly modern architecture that will only improve the neighborhood.

###### Staff Analysis:

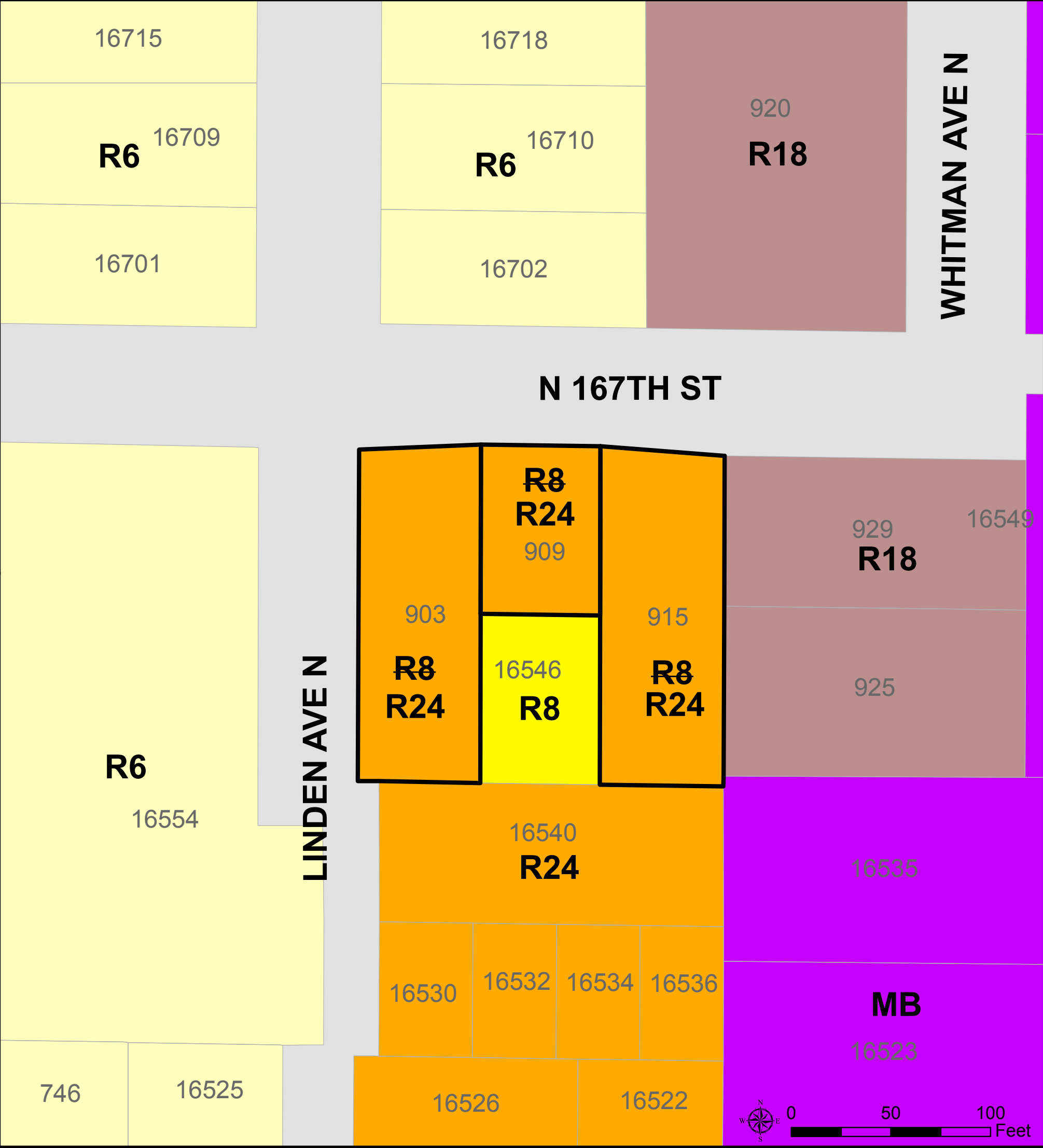
The proposed rezone and subsequent development has merit and value for the community. The proposed rezone is implementing the City's vision for this area as stated in Comprehensive Plan Policy LU-10. This location was chosen for allocation of the City's population growth and the proposed townhome development is consistent with other townhome projects that have been recently constructed. The rezone will increase property values for the Subject Property, thereby creating increase property tax benefits. Existing commercial uses are in close proximity to the site and transit is a short walk from the Subject Property given that Aurora Avenue N. is approximately 400 feet to the east. Any future development will be required to install full frontage improvements that include sidewalk, curb, gutter, and landscape/amenity zone adjacent to the sidewalk. New sidewalks around the site on North 167<sup>th</sup> Street and Linden Avenue North will alleviate the neighborhood concerns of unsafe walking surfaces for pedestrians. In addition, new residential development will require the payment of transportation impact fees and park impact fees, thereby allowing for system-wide improvements that are being required due to growth within the community.

This proposed rezone meets criteria #5.

###### **DEPARTMENT RECOMMENDATION:**









Based on the above applicant response to the rezone criteria, the Planning & Community Development Department recommends **APPROVAL** of the Rezone for Jose Argueta file PLN17-0062.

Exhibit C






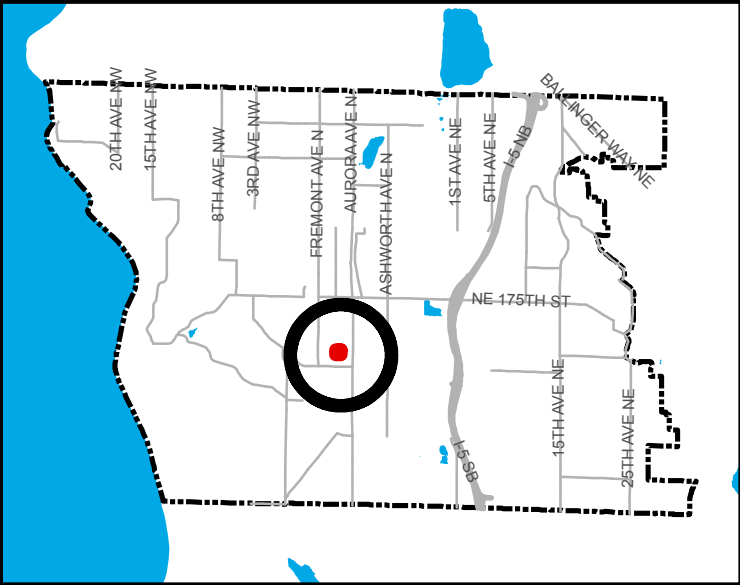
903, 909, & 915 NE 175th St Rezone  
R-8 to R-24

Zoning Leagend

	TC-1 to TC-4; Town Center
	MUR-70; Mixed Use Residential (70' height)
	MUR-45; Mixed Use Residential (45' height)
	MUR-35; Mixed Use Residential (35' height)
	MB; Mixed Business
	CB; Community Business
	NB; Neighborhood Business
	PA 3; Planned Area 3
	C; Campus

Feature Leagend

		
Parcel Line	Parcel Change	Unclassified ROW



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through June, 2016.





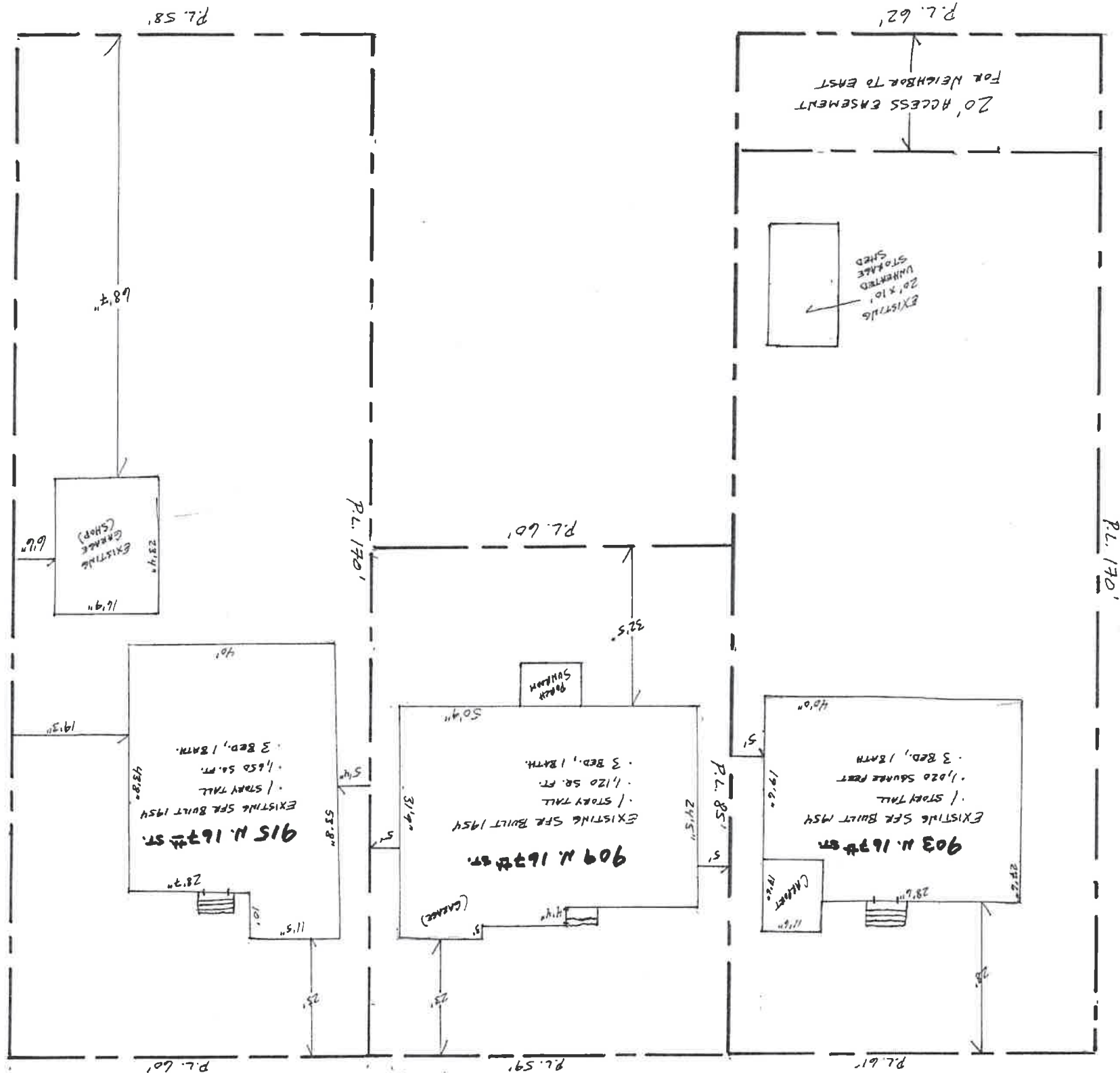


SCALE  
20' = 1" = 2"

Row 28'

LINDEN AVE. N.

Row 22'



REVISION  
SEP 19 2017  
P&DS

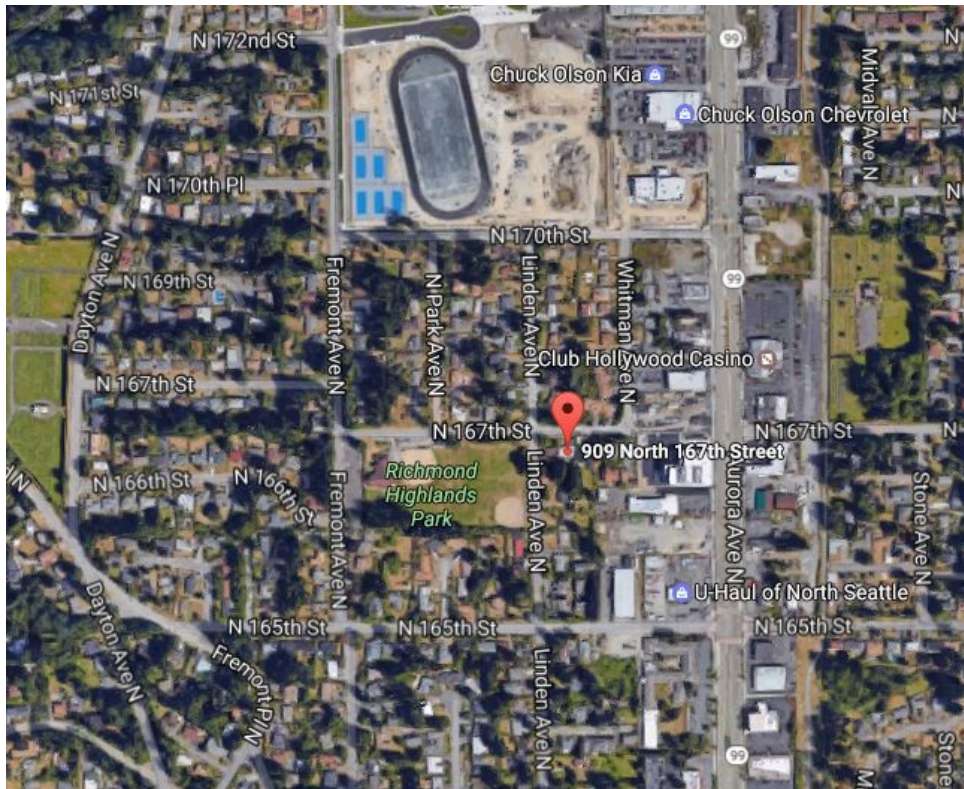
PREPARED BY:  
DAVE HYNDEN  
1532 N.W. 19th ST. #6  
SHORELINE, WA. 98147  
(206) 778-7355

DATE: 9/5/17  
SCALE: 20' = 1" = 2"

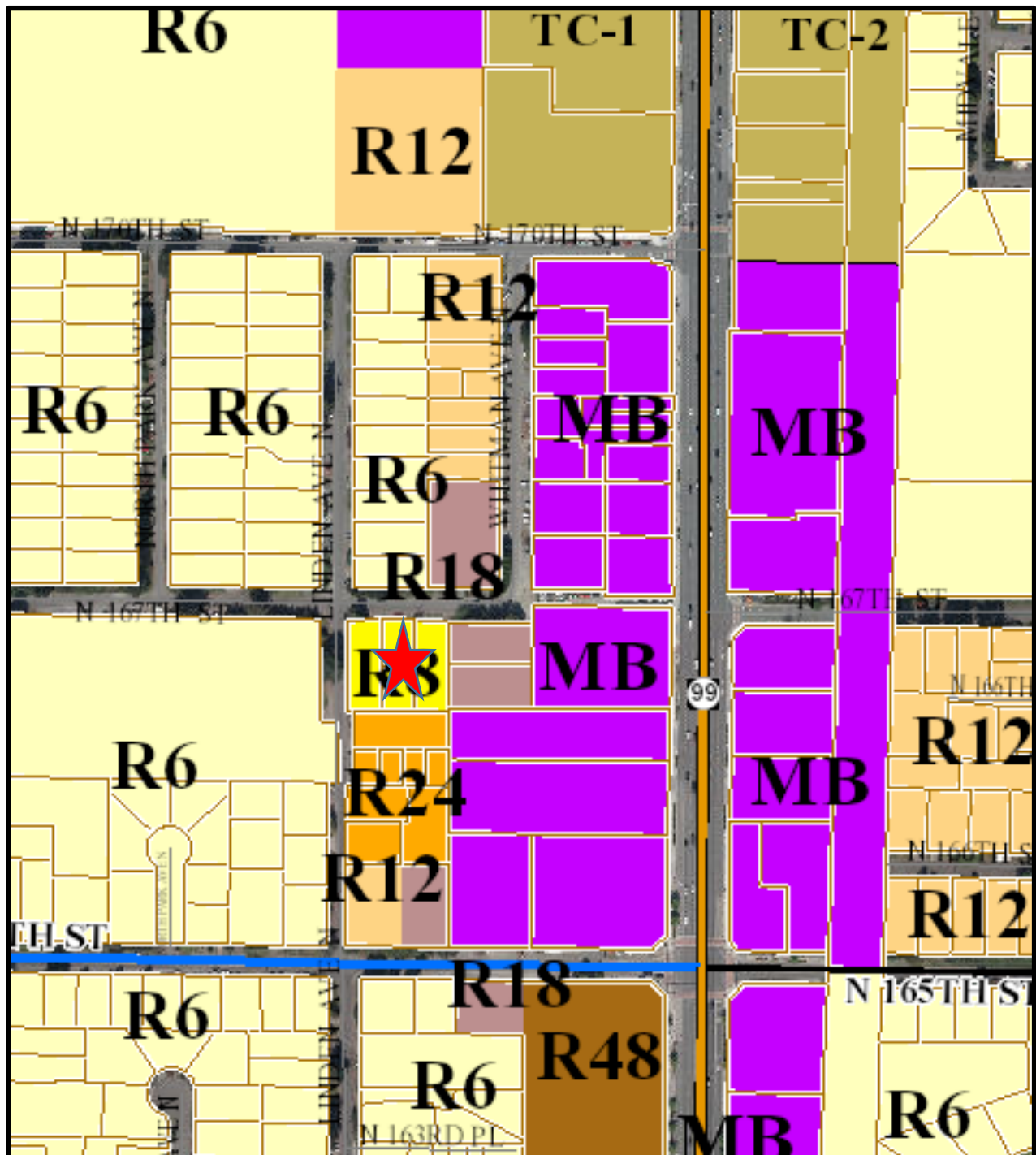
170062

ARGUETA RE-ZONE

## 903, 909, and 915 North 167<sup>th</sup> Street Vicinity Map



City of Shoreline – Current Zoning Designations



Comprehensive Plan Land Use Designations



**Summary of Neighborhood meeting**

September 18, 2017

This is the summary of the neighborhood meeting for the proposal to re-zone the 3 lots (903, 909, 915 N. 167th St. Shoreline, Wa.) from the current R-8 zoning to R-24 zoning.

In attendance:

Jack Noble (206)542-7090 746 N. 165th St. Shoreline, WA. 98133

David Jackson (206)409-6279 16723 Whitman Ave. N. Shoreline, WA. 98133

Candy Hamel (206)931-5567 16723 Whitman Ave. N. Shoreline, WA. 98133

Sarah Sherman (206)334-1838 909 N. 167th St. Shoreline, WA. 98133

Cynnemin and Jim O'Sullivan (206)533-0007 16707 North Park Ave. N.  
Shoreline, WA. 98133

Candy who lives directly across from Gerber Towing on Whitman Ave N., expressed that the area is "already too congested." Not enough places to park around the Park. She mentioned petitioning to get speed bumps on Whitman to slow traffic down. She also asked why the proposal is for R-24 and not R-18 or R-12? She is ok with the project, but would like to see fewer Townhouses built. She is worried about all the cars and the safety of children. She also mentioned the lack of access off of Aurora. She doesn't want the Townhouses to be over 2-stories high.

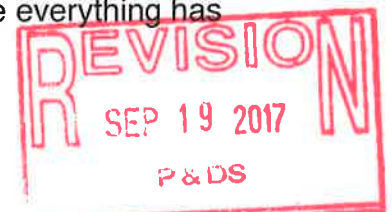
Jack shared his concern about lack of parking in the area. He was curious that during the process of permits and building, whether or not he was able to see how the off-street parking would look like.

David shared his concern for parking. He lives across the street from Gerber Towing, as well. Finds it very difficult to park in front of his own house, with the amount of cars on the street, from the surrounding businesses.

Cynnemin asked about how the extension of the sidewalks would look, extending to the North from the new construction on Linden? Will the sidewalks "dive-in" or "dive-out" into Linden? She was also concerned about the off-street parking.

Jim mentioned that Gerber Towing seems to just be able to park wherever they wish. Shared his frustration with all the new construction and how expensive everything has gotten.

Meeting lasted approximately 1 hour and there was no fist fights.



Summary of Neighborhood meeting

April 5, 2017

RECEIVED  
MAY 22 2017  
PCD

This is the summary of the neighborhood meeting for the proposal to re-zone the 3 lots (903, 909, 915 N. 167th St. Shoreline, Wa.) from the current R-8 zoning to R-24 zoning.

In attendance:

Janet Murray 15508 Ashworth Ave N. Shoreline, Wa. 98133  
(representing her mother who owns 915 N. 167th St.)

David Jackson 16723 Whitman Ave. N. Shoreline, WA. 98133

Candy Hamel 16723 Whitman Ave. N. Shoreline, WA. 98133

Thomas Giylometi 16726 N. Park Ave N. Shoreline Wa. 98133

Julie Fisher 16525 Linden Ave N. Shoreline, Wa. 98133

Candy who lives directly across from Gerber Towing on Whitman Ave N., expressed that the area is "already too congested." Not enough places to park around the Park. She mentioned petitioning to get speed bumps on Whitman to slow traffic down. She also asked why the proposal is for R-24 and not "R-12"? She is ok with the project, but would like to see fewer Townhouses built.

Julie Fisher who lives at 16525 Linden Ave N. is worried about more traffic and what will happen to the street. She had heard that the street was supposed to be narrowed at some point in time. She was curious when this was going to happen, and exactly where on the street. Also expressed concern for the amount of traffic that races up and down Linden. Safety for her kids walking to school.

Both Candy and Julie were under the impression that just 903 N. 167th was proposing a re-zone, from the way that the letter was written. They thought the letter was intentionally misleading, without stating all 3 addresses on N. 167th.

Meeting lasted 1 hour and no fighting took place.

170062



**Re-Notice of Rezone Application  
including Optional SEPA DNS Process  
(October 3, 2017)**

**Name of Applicant and Application No.:** Jose Argueta, PLN17-0062

**Location & Description of Project:** 903, 909, and 915 N. 167<sup>th</sup> Street. The applicant has requested to rezone three parcels from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24) in order to construct townhomes.

**Application Re-Submitted & Complete:** September 19, 2017 and September 25, 2017.

**Project Manager Name & Phone #:** Steven Szafran, AICP. 206-801-2512.

**Environmental Review:** The City expects to issue a SEPA Determination of Nonsignificance (DNS) on this project. This may be the only opportunity to comment on the environmental impacts of this proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

**Public Comment:** The public comment period ends **October 18, 2017 at 5:00 p.m.** Interested persons are encouraged to mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn. Steven Szafran, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov). You may also request a copy of the decision once it has been made.

**Development Regulations Used and Environmental Documents submitted:**

Current editions of Shoreline Municipal Code and Comprehensive Plan, Stormwater Manual, Engineering Development Manual, Transportation Master Plan, and SEPA Checklist, All documents are available for review at City Hall, 17500 Midvale Avenue N.

**Other Required Permits:** Building, Demolition, and Right-of-Way Permits.

**NOTICE OF DISCLOSURE**

The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.



**Notice of Public Hearing of the Hearing Examiner  
and SEPA Determination**

Applicant, Application No. and Permit Requested: Jose Argueta, PLN17-0062 Rezone

Location & Description of Project: 903, 909, and 915 N. 167<sup>th</sup> Street. The applicant has requested to rezone three parcels from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24) in order to construct townhomes.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Wednesday, November 15, 2017 at 6:00 pm in the Council Chamber at City Hall 17500 Midvale Avenue N, Shoreline, WA.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually, according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

**SEPA Threshold Determination**

**Effective Date of Notice:** October 26, 2017

**Threshold Determination:** The City of Shoreline has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11 WAC) for the project described above. After review of the environmental checklist and other information on file, the City has determined this proposal will not have a probable significant adverse impact on the environment.

The optional process, as specified in WAC 197-11-355, was used. A notice of application that stated the City's intent to issue a DNS for this project was issued on October 3, 2017 and the public comment period expired on October 18, 2017. There is no additional public comment period for this Threshold Determination.

**Judicial Appeal:** There is no administrative appeal available for this decision. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit on filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of this decision and in accordance with State law.

Copies of the notice of application, SEPA threshold determination, application materials, applicable codes and more specific information on submitting a judicial appeal are available for review at City Hall, 17500 Midvale Avenue N.

**NOTICE OF DISCLOSURE**

The City of Shoreline will enter all comments received into the public record and may make these comments, and any attachments or other supporting materials, available unchanged, including any business or personal information (name, email address, phone, etc.) that you provide available for public review. This information may be released on the City's website. Comments received are part of the public record and subject to disclosure under the Public Records Act, RCW 42.56. Do not include any information in your comment or supporting materials that you do not wish to be made public, including name and contact information.

October 17, 2017

Mr. Steve Szafran, AICP  
City of Shoreline  
17500 Midvale Ave N.  
Shoreline, WA 98133-4905

RE: Application No: PLN17-0062  
Applicant: Jose Argueta

Dear Steve:

We are taking this opportunity to present our comments on the Re-Notice of Rezone Application including Optional SEPA DNS Process regarding the above referenced Application located at 903, 909 and 915 N. 167<sup>th</sup> Street, Shoreline, WA. Since all of the residents that live next to and across the street from these properties are renters, Dave Jackson and I are the closest homeowners that will be directly impacted by the possible rezoning to R-24 of these properties.

We feel the best way is to present numbered items listing our concerns and comments about this potential rezoning. Please see these below:

1. We want to clarify some points of the Summary of Neighborhood meeting notes that were submitted after the September 18, 2017 meeting.
  - a. It was incorrectly reported that Dave Jackson and I live directly across from Gerber Towing. We actually live at 16723 Whitman Ave N, across from the Methadone Clinic parking lot (which is next to Gerber Towing). It is also incorrect to state that I am "ok with the project". What I said, numerous times, is that I understand that there is growth happening in Shoreline and welcome it. I currently work for a developer and understand how things are changing. However, Dave Jackson and I both have concerns about these three properties on N 167<sup>th</sup> potentially being rezoned to R-24.
  - b. Since the first neighborhood meeting was held earlier in the year, the Owner of 915 N 167<sup>th</sup> St has passed away. Jose Argueta and his Realtor, Dave, told us at the second meeting that they have been in discussion with the deceased owner's family regarding purchasing this property, upon condition that this property be rezoned to R-24. That is why both properties are now being considered to be developed as soon as possible.
  - c. As was discussed at both neighborhood meetings, with Jose and Dave (the realtor), they envision adding at least 5 and possibly 6 new townhomes each on the 903 and 915 N. 167<sup>th</sup> properties. When Jose first told us about the possibility of what he wants to build on his lot, he said it would probably be the maximum height of 35' with a roof top deck on each one. We believe he may have a different idea now, but we also believe that he intends to make them as tall as the City will allow (35' – 40' depending on design) in an R-24 zone. All of the current townhomes across the street (zoned R18), apartment buildings the east of 915 167<sup>th</sup> (zoned R18) and homes on Lynden and Whitman (zoned R6 thru R12) in this area are no more than two story. The apartments that are located just east of 915 N 167<sup>th</sup> are surrounded by trees and are not obtrusive to the neighborhood. PLEASE SEE ATTACHED "Townhomes Across Street", "Apartments next door" and "Corner of Whitman and 167<sup>th</sup>".
  - d. What is also concerning, and not included in the Summary of the Neighborhood Meeting, is that Sarah Sherman, the woman who lives at 909 N 167<sup>th</sup> also attended the meeting and had many questions and concerns about what it would mean if her property and the other two properties were rezoned to R-24. She had not realized, or it was not clarified to her, that if these properties

were rezoned, there would be two sets of townhomes going up on both sides of her and her home. As she described it, she wasn't comfortable with having a wall on both sides of her property. Additionally, her property was originally subdivided into two lots years ago and the 2<sup>nd</sup> lot was purchased and a brand new single family home (16546 Lynden Ave N) now located directly behind her house, nestled in between the back portion of the 903 and the 915 properties. It is zoned R-8 and is not being rezoned. This house, too, would be "walled in" by the possibility of 6 townhomes each, one in front and one in back of this new home. PLEASE SEE ATTACHED "New Home #1".

- e. Here is another bit of history regarding the five properties located on Lynden that are currently zoned R-24 and that is referenced in the August 29, 2017 letter regarding the Neighborhood meeting. The 3 owners of these 5 properties got together about 14 years ago (before Shoreline's Comprehensive Plan was prepared) and tried to have their properties rezoned to R-48. We believe it was their intention to sell all of their properties to one individual and a potential 48 unit apartment building was being considered. Fortunately (for us) and unfortunately (for them), there was a large neighborhood turn out to the neighborhood meeting and for whatever reason, they did not wish to pursue the R-48 zoning. Since then, two of the 5 lots have been developed. One has added TWO story townhomes and kept them as rentals. PLEASE SEE ATTACHED "New Home #1". They look nice and fit in with the R-6 and R-8 zoning in the surrounding neighborhood. Unfortunately, the 2<sup>nd</sup> lot was subdivided and four HUGE homes were built and sold. Again, we understand a need for homes but this looks like Gulliver in the land of Lilliput. They look like monsters and are out of place in this neighborhood. PLEASE SEE ATTACHED "New Home #2".
- 2. **The issue of traffic and parking** is a big one. This development is proposed, and may require access to the townhomes, from N 167<sup>th</sup>, which forces people to either go west on 167<sup>th</sup> to Lynden Ave. and turn south to 165<sup>th</sup> or north to 170<sup>th</sup> to then go East to Aurora OR people go east on 167<sup>th</sup> and merge on to Whitman and proceed north to 170<sup>th</sup>, then East to Aurora. The problem with this plan is that from 170<sup>th</sup> and Whitman south to 167<sup>th</sup> & Lynden, we are already inundated with traffic, parking and driving hazards as described below.
  - a. We have the back entrance to the methadone clinic, which serves just under 700 guests A DAY (and yes, a lot of them do drive or are driven by taxi, Mercy Care, Cabulance, Access vans, etc.),
  - b. We have a landscape company with their 8 trucks and their employees cars,
  - c. We have Gerber Towing PLEASE SEE ATTACHED "Gerber Towing #1 and #2" which tows, drops off, picks up, parks in the middle of the street, etc. and
  - d. We have the ICHS Clinic back entrance, which not only has people and cars cutting through it each day but has their employees parking on both sides of 167<sup>th</sup> between Whitman and North Park Ave and around Richmond Highlands Rec Center. PLEASE SEE ATTACHED "Clinic Parking #1 thru #7".
  - e. We have a 2<sup>nd</sup> junkyard directly across the street from the 903 and 909 property which is definitely zoned R-6 and should not have a junkyard there. PLEASE SEE ATTACHED "2<sup>nd</sup> Junkyard #1 and #2".
  - f. The parking around the park and up and down the neighboring streets is full every weekend by families using the field and facilities PLEASE SEE ATTACHED "Weekend Parking #1 thru #5". The four large townhomes built on Lynden already have some of their homeowners parking across the street at the park.
  - g. Last but not least – there are at least 10 children that walk DAILY from 170<sup>th</sup> & Whitman down around the corner to wait for the school bus at 167<sup>th</sup> and Lynden each day.

3. The drainage system in this area is not good and at one time was not even connected to the City's main system at the southeast corner of the property located at 915 N 167<sup>th</sup> (behind Mann Welding). There is also a drain located on the East side of Whitman, and just north of Gerber Towing, that does not drain and is constantly blocked by debris anyway. There is usually a very large pool of water in the middle of the road for quite a few days after it rains. About 10 years ago, I met with 4 gentlemen from the City of Shoreline regarding this drain. They all confirmed that the infrastructure was bad in this area and yep, this drain and the one it is connected to basically goes to nowhere down behind Mann's Welding. Nothing has ever been done about this drain on Whitman and we don't know if something was corrected down the line when ICHS or the new storage facility were recently built. **PLEASE SEE ATTACHED "Drainage #1 & #2".**

To summarize, we are very aware that Shoreline is growing and are glad to be a part of this community. Dave and I truly believe that rezoning these three lots, 903, 909 and 915 N 167<sup>th</sup>, to R-24 would be a detriment to this little pocket of Shoreline. There simply is not the existing infrastructure or capacity to hold a lot more homes, traffic, runoff, etc. on this little two block area. If a different rezone is considered, we strongly request that you consider some size and height limitations to blend in more with the homes that are already existing in the surrounding neighborhood.

Thank you for the opportunity to share our concerns about this possible rezone. We realize there were concerning statements made at the neighborhood meetings regarding discussions the realtor had with you, and after talking with you, we now understand the full picture. We have lived here for over 15 years and appreciate knowing that we are heard and can have a voice and some input.

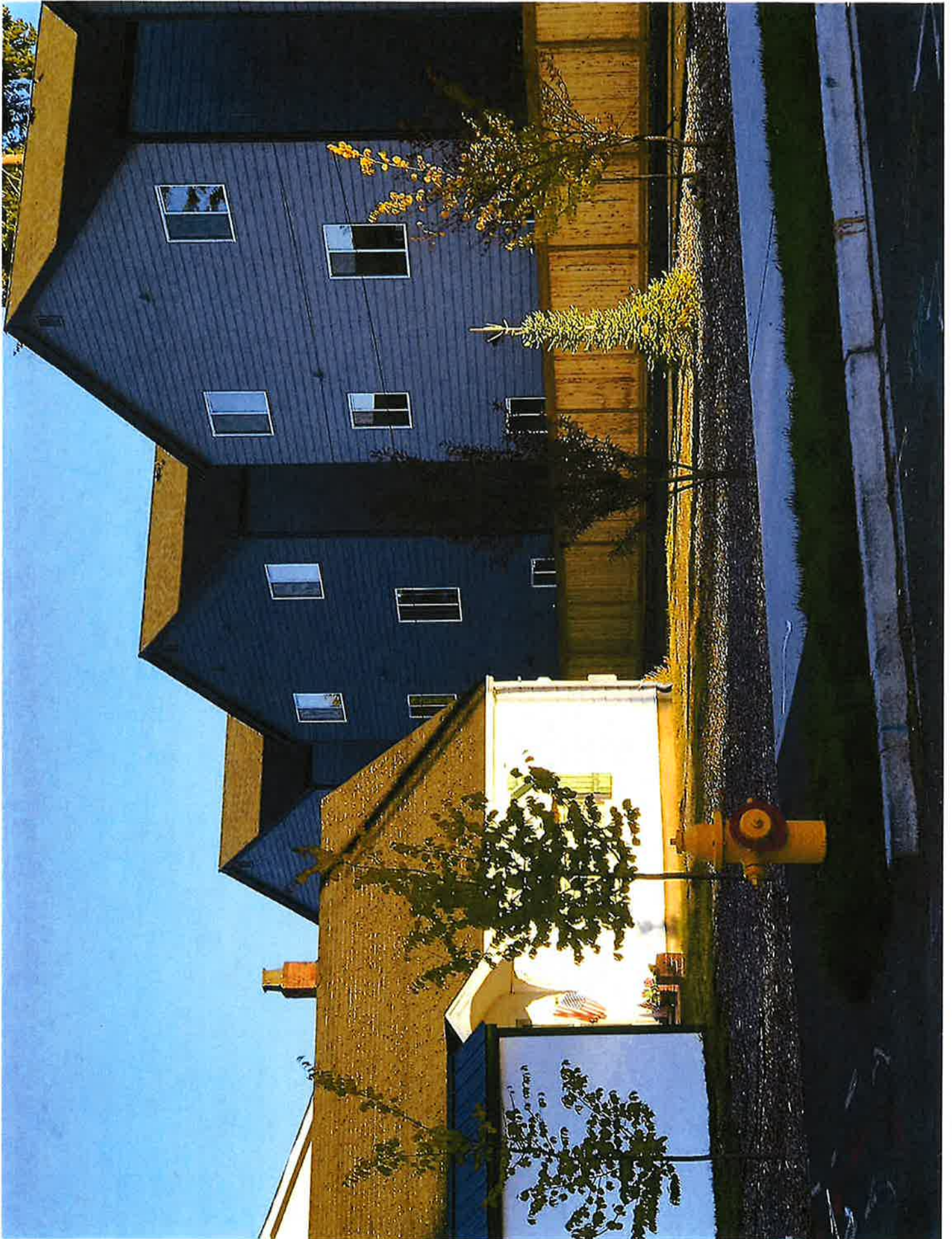
Would you please notify us once a decision has been made? We would really appreciate it.

Respectfully,

Candy Hamel  
Dave Jackson  
16723 Whitman Ave N  
Shoreline, WA 98133  
(206) 931-5567

/cjh  
Enclosures

















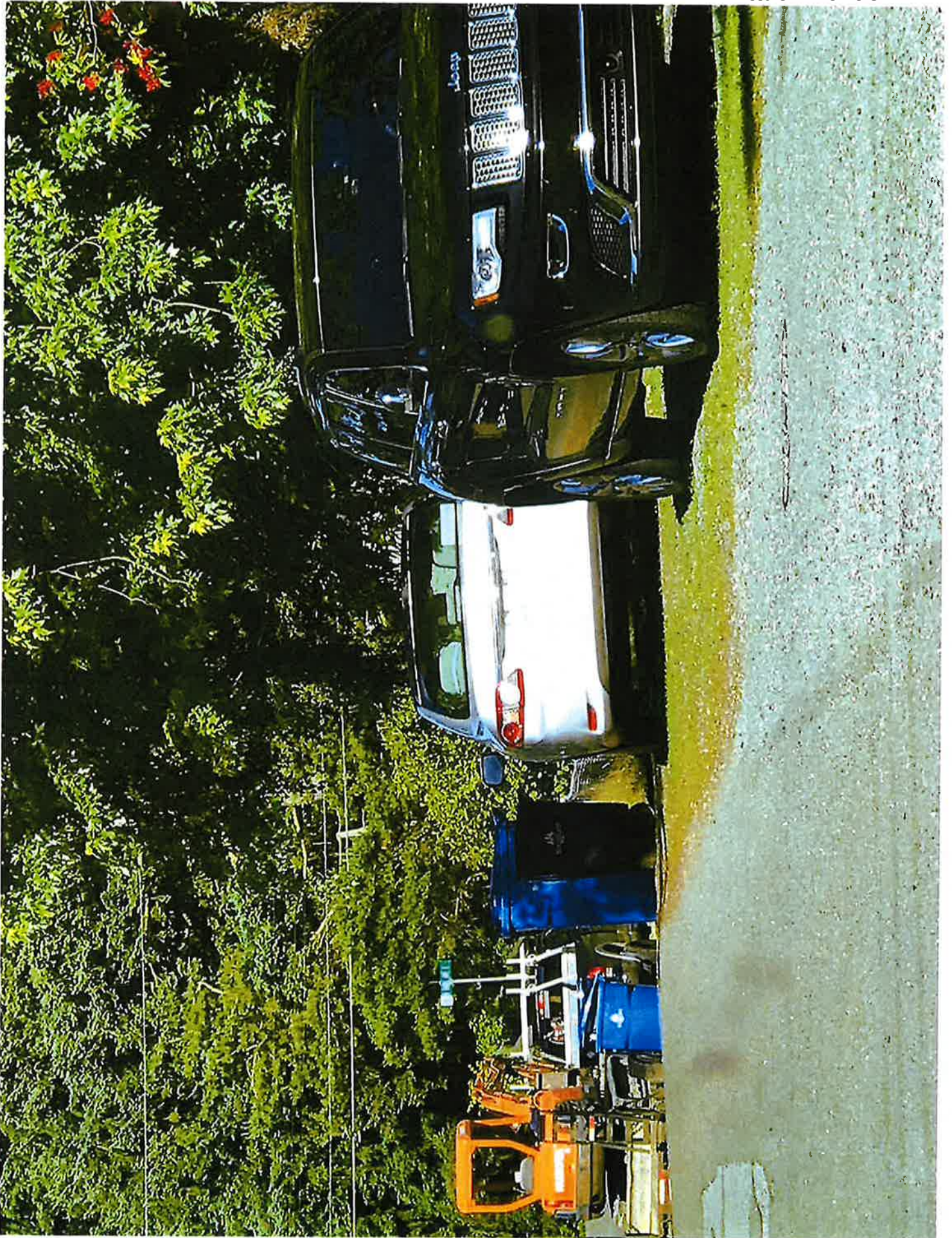








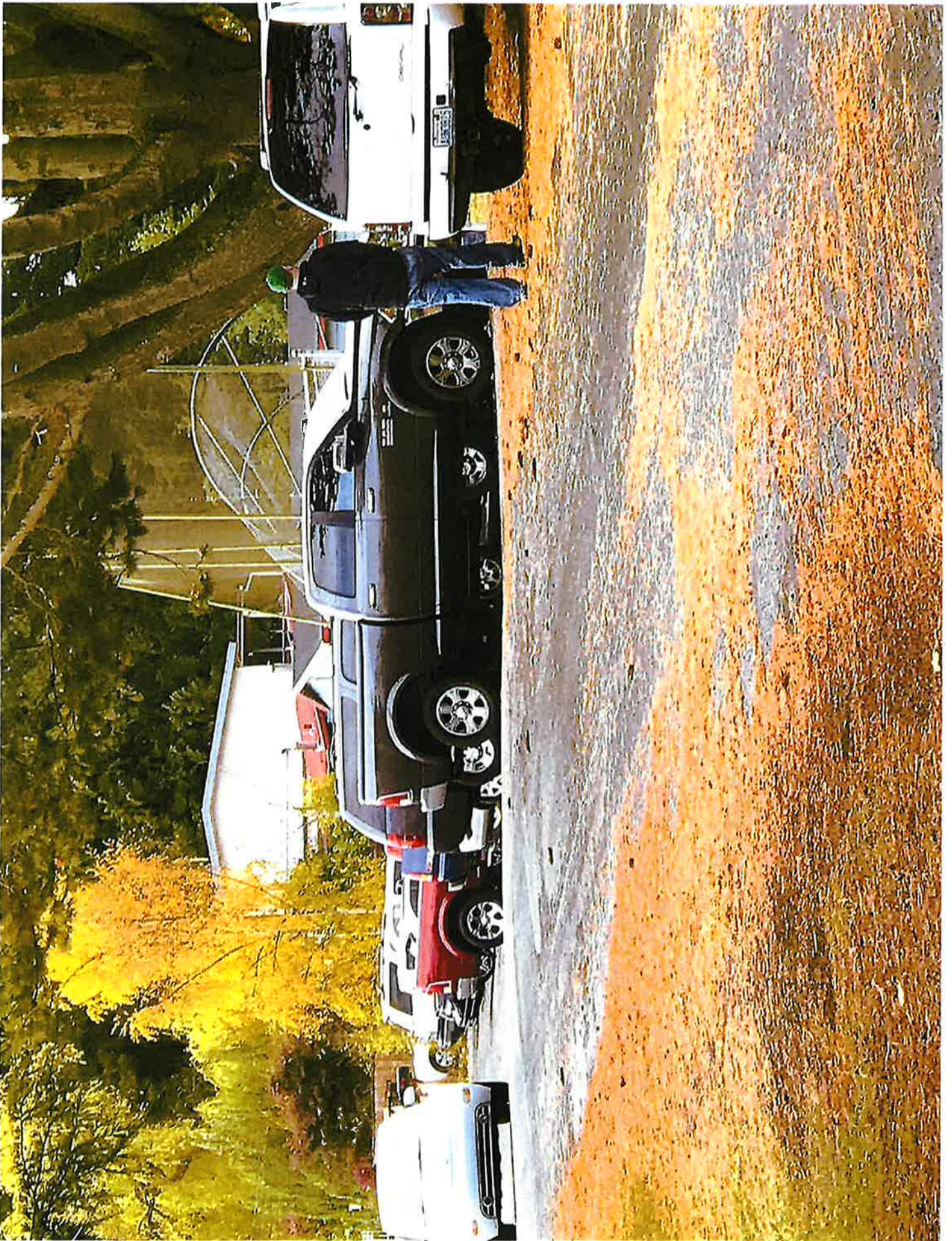








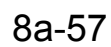


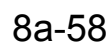












**Attachment J**  
**PLN-17-0062-Argueta**  
**Exhibit 3**  
**PH-November 15, 2017**

November 15, 2017

Hearing Examiner  
City of Shoreline  
17500 Midvale Ave N  
Shoreline, WA 98133

RE: Notice of Public Hearing of the Hearing Examiner and SEPA Determination  
Jose Argueta, PLN17-0062 Rezone  
903, 909 and 915 N 167<sup>th</sup>, Shoreline, WA

Thank you for the opportunity to submit our additional thoughts and comments regarding the above referenced project. One of the reasons we are writing this letter is that we are the closest residential property owner that could/would be affected by this zoning change. All other properties located in this proximity are currently rentals.

With that said, we are providing numerous items that seem to be either incorrect and/or misleading in the paperwork that was provided to you in the City of Shoreline Planning and Community Development Staff Report dated November 6, 2017.

1. Under **PROJECT DESCRIPTION:** (Attachment 1 – Affidavits). There is an affidavit, signed by Janet C Murray on the 16<sup>th</sup> day of August, stating she is the attorney-in-fact for Brenny Genevieve, the owner of the property located at 915 N 167<sup>th</sup>, Shoreline WA. However, the Property Owner originally listed on the application is a person by the name of Genevieve Brenny, who unfortunately passed away on August 4, 2017. I'm not sure how that works in that 1) the name is incorrect on the affidavit and 2) the owner has passed away PRIOR to the affidavit being signed. **(See Exhibit A).**
2. Under **ZONING and LAND USE:** The attached Zoning Map is labeled as such to imply that the properties directly across the street North of the above referenced property is R18, when it is in fact zoned as R6. **(See Exhibit B).**
3. Under **ZONING and LAND USE:** There are multiple references to the surrounding properties, which, on paper, are virtually correct in quoting them. However, the actual facts are a bit more telling.
  - As noted in item 2 above, the property located at 903 N 167<sup>th</sup> and the majority of the property located at 909 N 167<sup>th</sup> sits directly across from current property zoned R6. Only the property located at 915 N 167<sup>th</sup> is located across from, and next to, any property that is zoned R18. **(See Exhibit C, items 3 and 4)**
  - The original application states that they want to rezone to R24, "to match the parcels to the South of these properties that are zoned R24". However, there was no mention of a parcel that sits directly in the middle of all three of these properties, that being the brand new home

that has just been built BEHIND 909 N 167<sup>th</sup>, the address being 16546 Lynden Ave N. (See **Exhibit C, Item 1**).

- In addition, all of the properties directly abutting and surrounding the subject properties, whether they be zoned R24, R18 or R6, do not exceed two story units, which fit more in with the residential neighborhood in this area. Even the townhomes that are located on the property directly adjacent to the south end of 903 and 915 N 167<sup>th</sup>, which were built a few years ago, were built as 2 story units to better fit in with the neighborhood. (See **Exhibit C, Item 2**).
  - The report states "The Subject Property is accessed from Lynden Avenue N. **OR** North 167<sup>th</sup> ....." We must point out that **ONLY ONE (1)** of the subject properties can possibly be, if it ever has been, accessed from Lynden Ave N. The other two properties can only be accessed from North 167<sup>th</sup>.
4. Under **PUBLIC NOTICE AND COMMENT**: The City states that they received only one public comment letter and it is included as Attachment 9. However, there were a few pictures/attachments that were inadvertently left out of the package that was sent to you. (See **Exhibit D**). We believe it is important for you to see these pictures as the rezoning and potential project proposed for 903 N 167<sup>th</sup> could possibly impact the quality and enjoyment of those using the Richmond Highland Rec Center and Playfield (Open Space). These pictures reflect what a typical weekend and/or week day/evening can look like at 167<sup>th</sup> and Lynden when the field is being utilized, which is quite often. In the package of Exhibit D, Picture marked **(1)** is taken standing at the corner of 167<sup>th</sup> and Lynden, facing south. The Picture marked **(2)** is taken standing at the other end of the playfield facing north on Lynden. The Picture marked **(3)** is taken at the corner of 167<sup>th</sup> and Lynden facing west on 167<sup>th</sup>.
  5. On September 15, 2017, we submitted to the City of Shoreline, a Petition for Beginning a Neighborhood Traffic Study (See **Exhibit E**) for the two blocks running from the corner of Lynden and 167<sup>th</sup>, west to Whitman and then North to 170<sup>th</sup>. Currently there are about 4 or 5 business that have exits funneling in from and out onto Whitman and 167<sup>th</sup>, but there are no through streets. These businesses consist of the THS Methadone Treatment facility, which serves just under 700 people **a day**; Gerber Towing, which has trucks and cars being parked up and down 167<sup>th</sup> and Whitman and coming and going any time of the night or day; there is the ICHS clinic that serves numerous individuals, however, they charge their employees to park in their facility so many employee park up and down 167<sup>th</sup> and Whitman; and additionally, we also have Yard Butlers Landscaping which has approximately 8 trucks that are in and out each day. And when their employees are driving their work trucks, they have to park their personal vehicles up and down Whitman and 167<sup>th</sup> also.
  6. Since there are **NO DIRECT OUTLETS** from anywhere in the middle of these two streets (See **Exhibit E-1a, and E-1b**), we, and the **seventeen (17) people** who also signed the petitions, requested that a traffic study be done to see if we can't get some help in slowing people down from speeding down our street(s) every day and every night. Some of the 17 people that signed reside on 167<sup>th</sup> and are included in the Rezone application.

7. I finally received, yesterday, an e-mail regarding "raw data" for the traffic study that was done. Kendra Dedinsky, City Traffic Engineer, refers in her e-mail that "traffic counts for both streets show less than 500 vehicles per weekday...." (**See Exhibit E-2**). However, since the original Petition for the Traffic Study requested "N 167<sup>th</sup>, beginning at Lynden and proceed to N 170<sup>th</sup> via Whitman Ave N", and also having talked with Kendra on Monday, October 2, that our request was for both streets at the same time since there was no street leading out to Aurora from those two locations, it would seem that the counts for BOTH STREET should be added together for this study. Kendra did send me preliminary reports for the count for Whitman Ave N. (which averaged 390 vehicles per day over a 7 day average) and a separate report for the count for N 167<sup>th</sup> (which averaged 303.1 vehicles per day over a 7 day average). (**See Exhibit E-3a, and E-3b**). It seems, that since the original traffic study was requested for a two block side street that has no arterial exit except for Whitman or 167<sup>th</sup>, the totals of these two reports should be combined and the more realistic figure of **693.10 vehicles are averaged PER DAY over a 7 day average** should be considered.

We appreciate the time you have given us to express these items of concern and discrepancies, with regard to making your decision regarding the Rezone Application for Jose Argueta, PLN17-0062 Rezone, located at 903, 909 and 915 N 167<sup>th</sup>.

We believe that allowing the zoning of these three properties to be changed to R24 from R8 would be a disservice to this neighborhood and this area, and we believe the neighborhood would be better served if either an R12 or R18 zoning (with height restrictions) would be granted. This would still give an opportunity for these property owners to develop their properties and also would allow the proposed projects to be more blended within the community that it will sit.

Respectfully submitted,

Candace J Hamel  
David M Jackson  
16723 Whitman Ave N  
Shoreline, WA 98133  
(206) 931-5567



**Genevieve Theodora Brenny(1927 - 2017)**

Genevieve Theodora Brenny

Born June 17, 1927 in Rolla North Dakota to father Spero Manson and mother Florence Manson (both deceased) died peacefully August 4, 2017.

One of 11 children: brothers, John, twins Frank and George, Pete, Spero, Raymond, Paul and Robert; sisters Grace and Gertrude.

Genevieve is survived by her brother Paul; 3 adult children: Jim, Janet, and Jeff; 6 grand-children: Shannon, Heather, Alissa, Ross, Thomas, and Kyle; and 2 great grandchildren Anthony and Ashley; and numerous nieces and nephews.

Viewing on Thurs., Aug. 10 at 10am with a Funeral to begin at 11am at Beck's Tribute Center, 405 Fifth Ave. S, Edmonds; with Burial following at Holyrood Cemetery in Shoreline, WA.

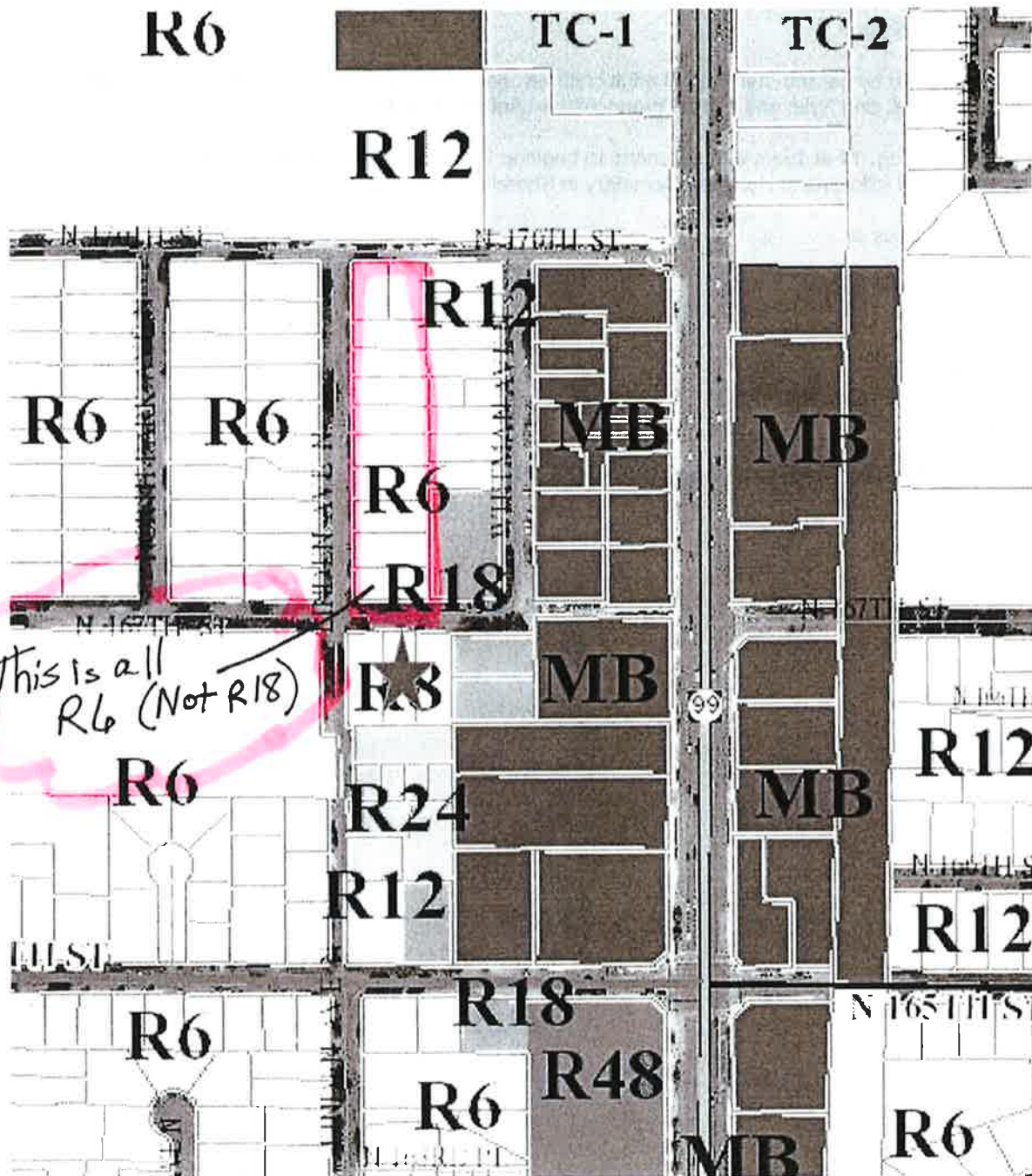
Please share memories at

[www.becksfuneralhome.com](http://www.becksfuneralhome.com).

**Funeral Home****Beck's Funeral Home**

405 5TH AVE S EDMONDS, WA 98020  
(425) 771-1234

Published in The Seattle Times from Aug. 8 to Aug. 9, 2017



R-24 - 2 story ②

## ARGUETA RE-ZONE

$$\frac{\infty}{\infty}$$

2 story

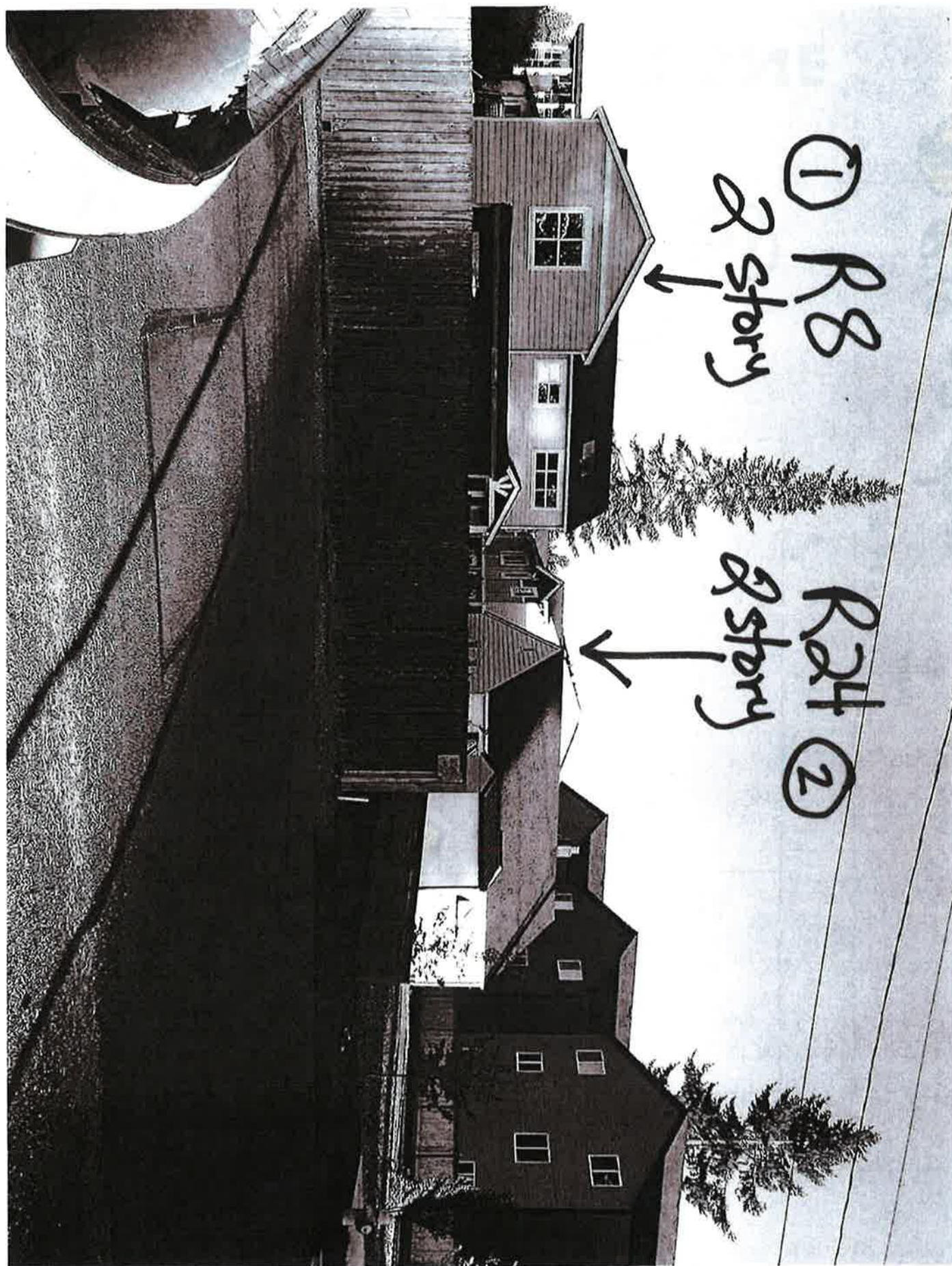


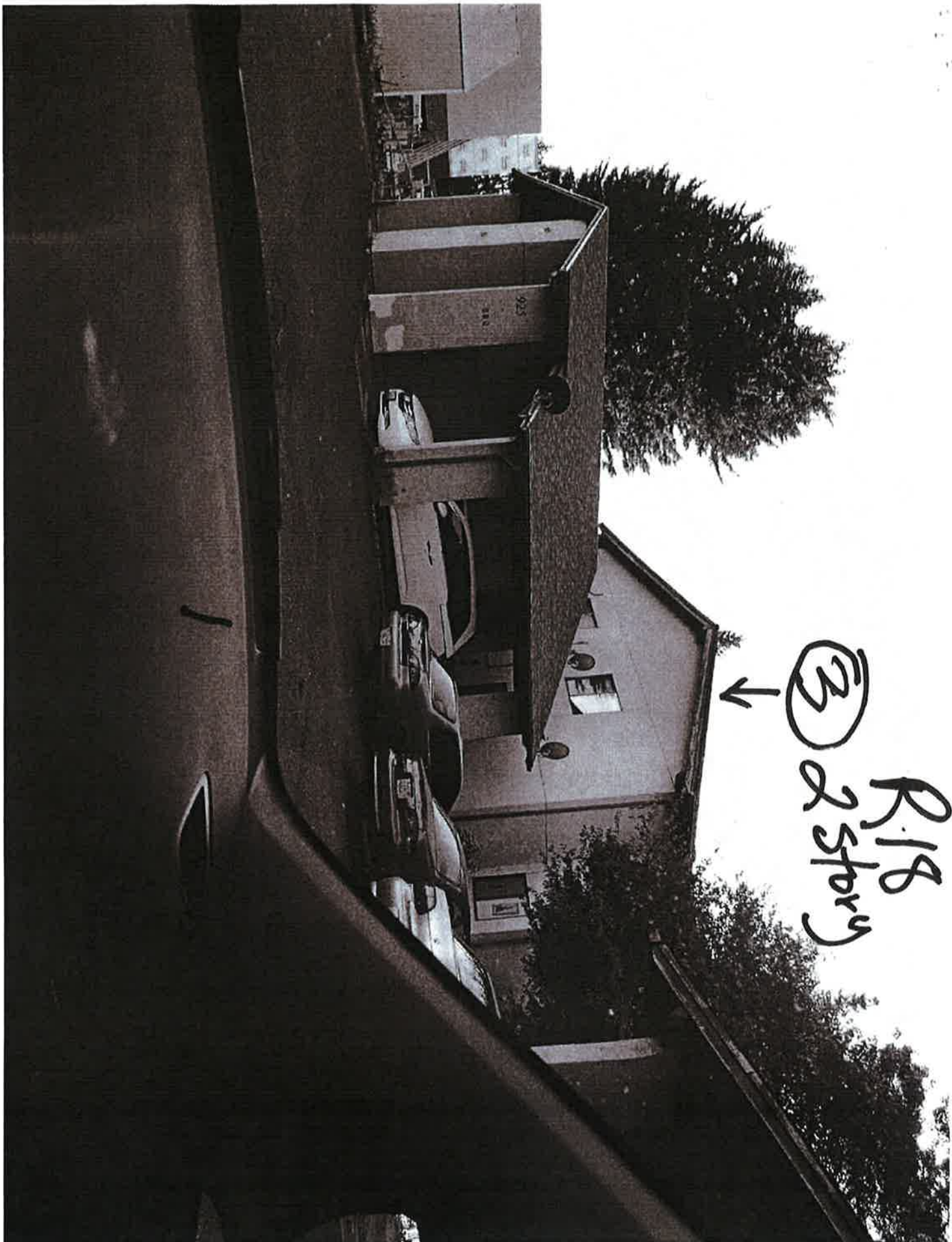
A hand-drawn floor plan of a 2-story building. The plan is divided into several rooms and areas. In the top right corner, there is a room labeled "R8". Below it, a large area is labeled "2 story". In the center, a room is labeled "SFH" with a yellow circle containing the number "1" next to it. To the left of this room, there is a room labeled "R6" and another labeled "R7". In the bottom left corner, there is a room labeled "R9". The plan also includes various smaller rooms and areas, some of which are labeled with numbers like "100", "101", "102", "103", "104", "105", "106", "107", "108", "109", "110", "111", "112", "113", "114", "115", "116", "117", "118", "119", "120", "121", "122", "123", "124", "125", "126", "127", "128", "129", "130", "131", "132", "133", "134", "135", "136", "137", "138", "139", "140", "141", "142", "143", "144", "145", "146", "147", "148", "149", "150", "151", "152", "153", "154", "155", "156", "157", "158", "159", "160", "161", "162", "163", "164", "165", "166", "167", "168", "169", "170", "171", "172", "173", "174", "175", "176", "177", "178", "179", "180", "181", "182", "183", "184", "185", "186", "187", "188", "189", "190", "191", "192", "193", "194", "195", "196", "197", "198", "199", "200".

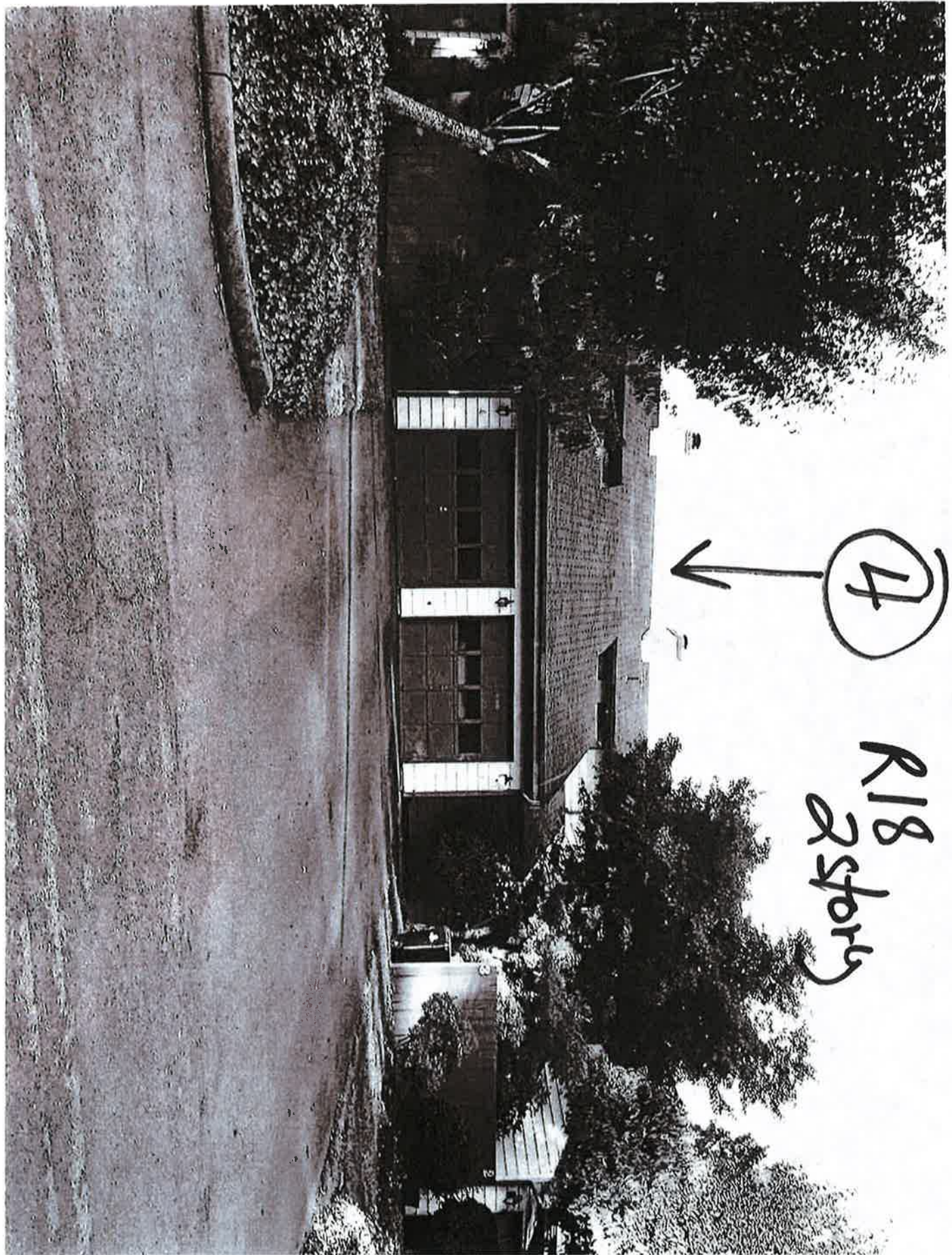
H. 167<sup>th</sup> St.

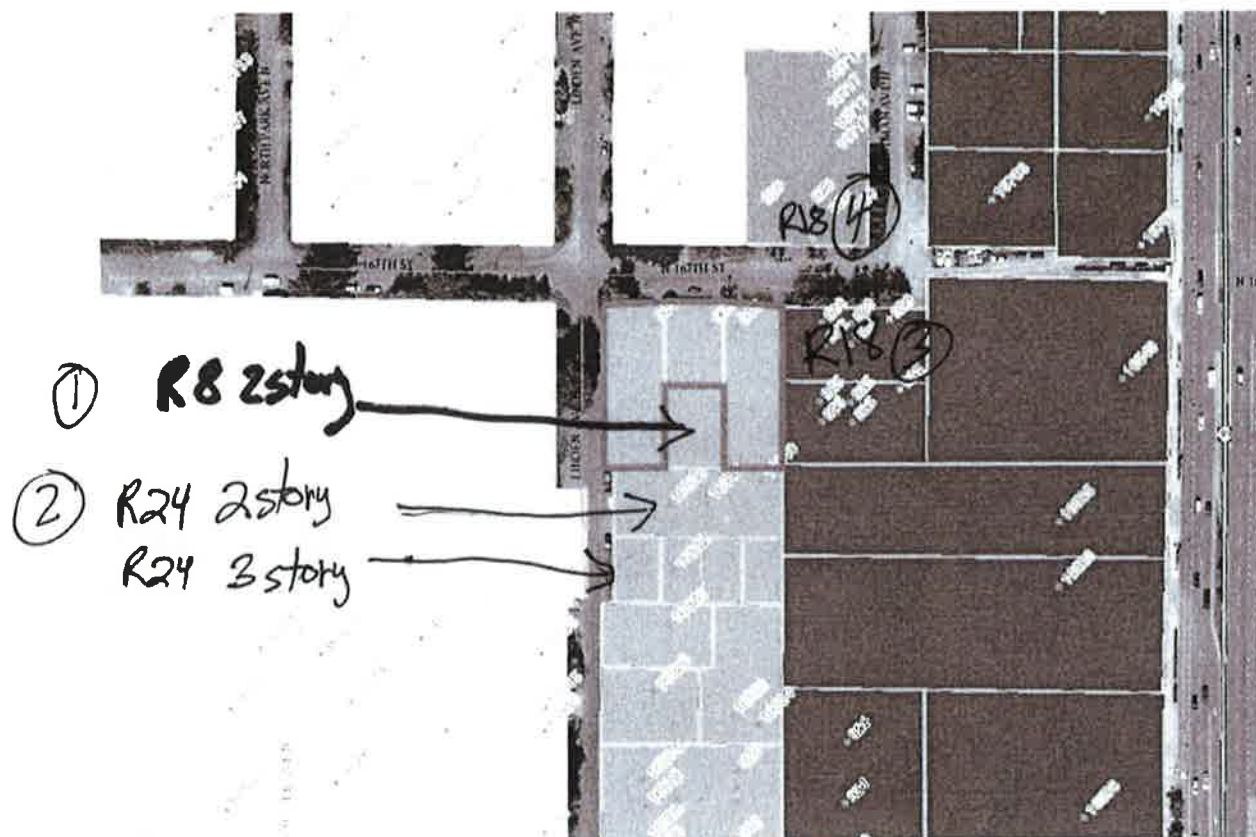
HHH

④ R18-2 story







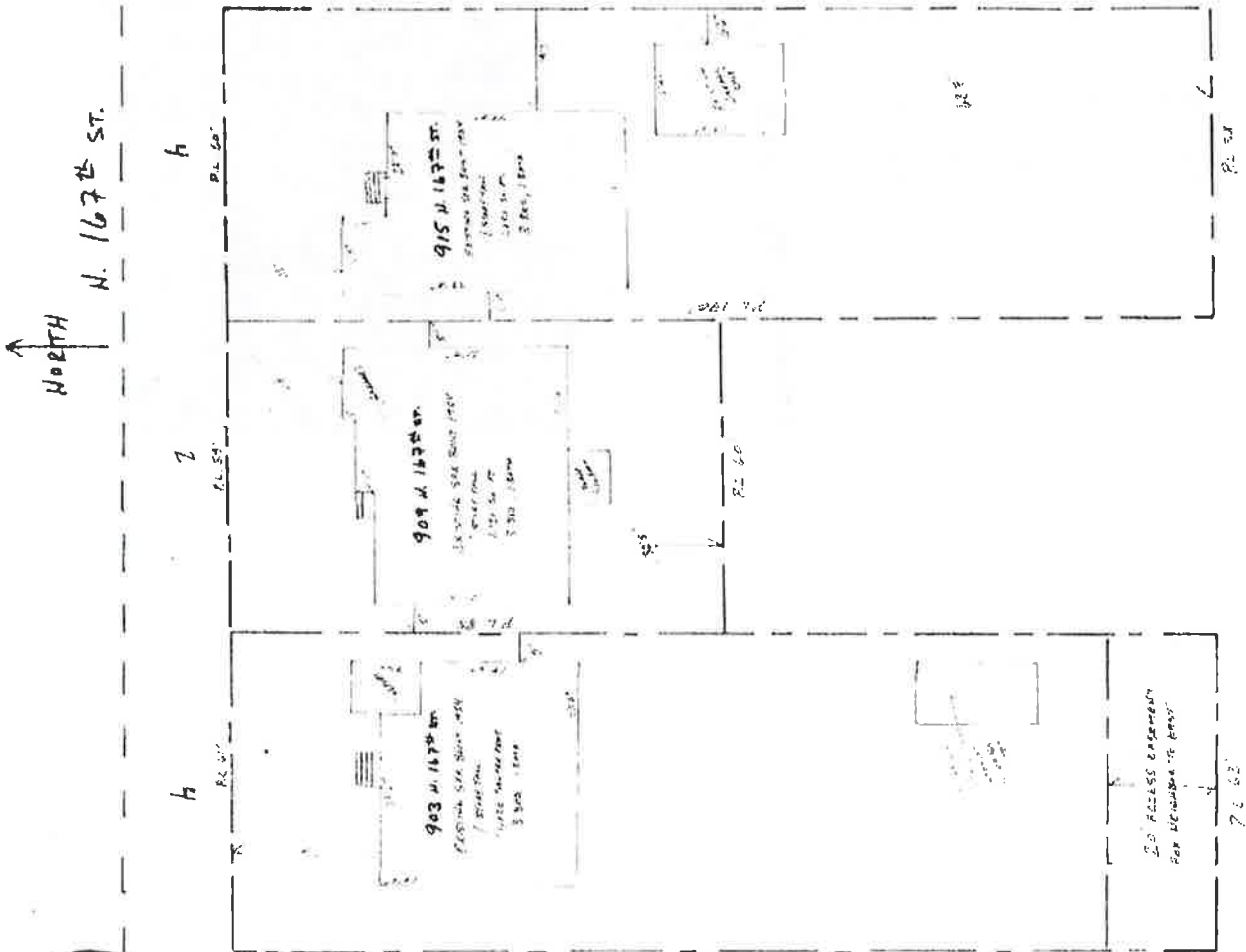


# ARGUETA RE-ZONE

DATE: 9/5/17  
SCALE: 20' = 1"



ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 11/18/2011 BY 60322  
JUL 17/18-7555



③

①

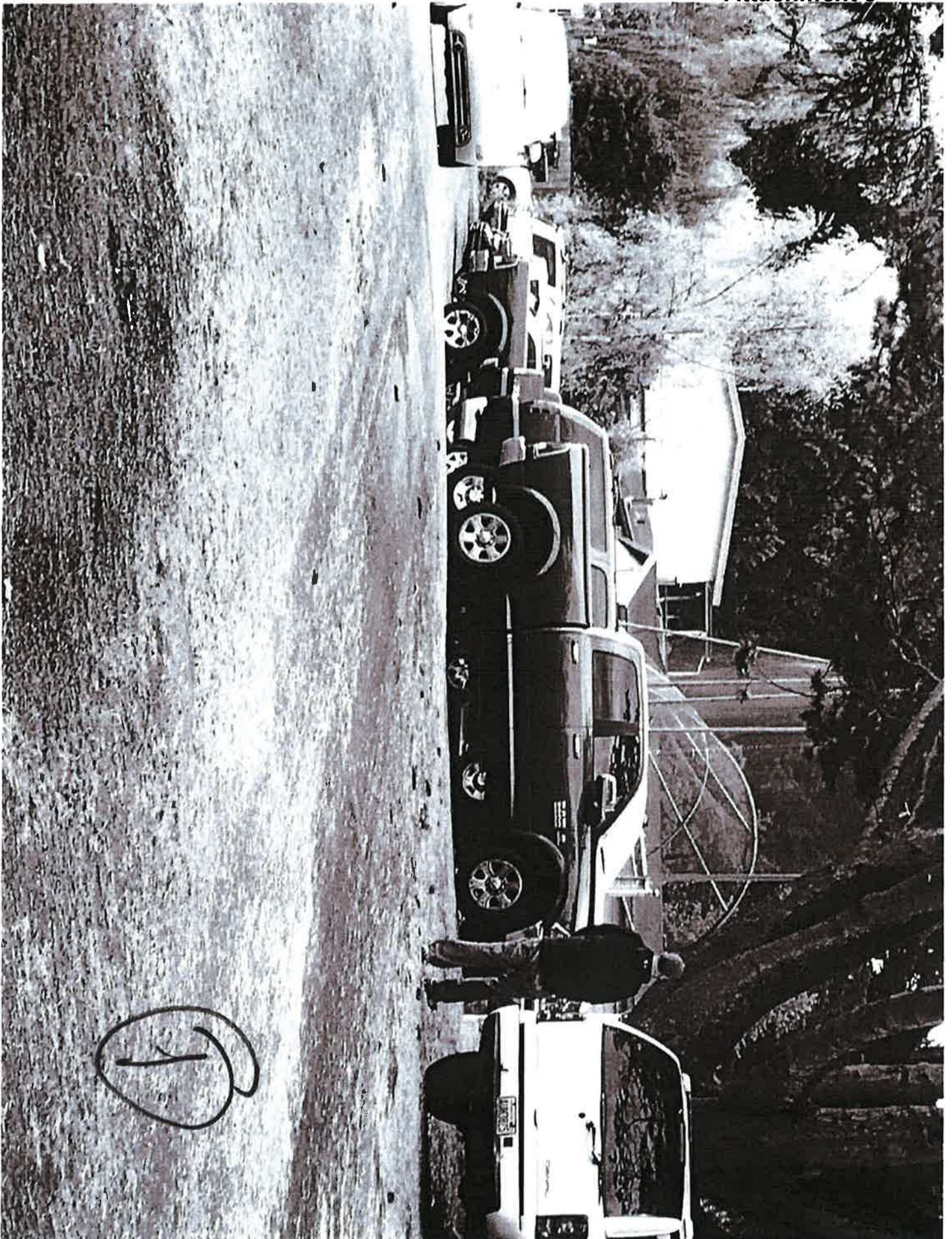


LINDEN AVE. N.

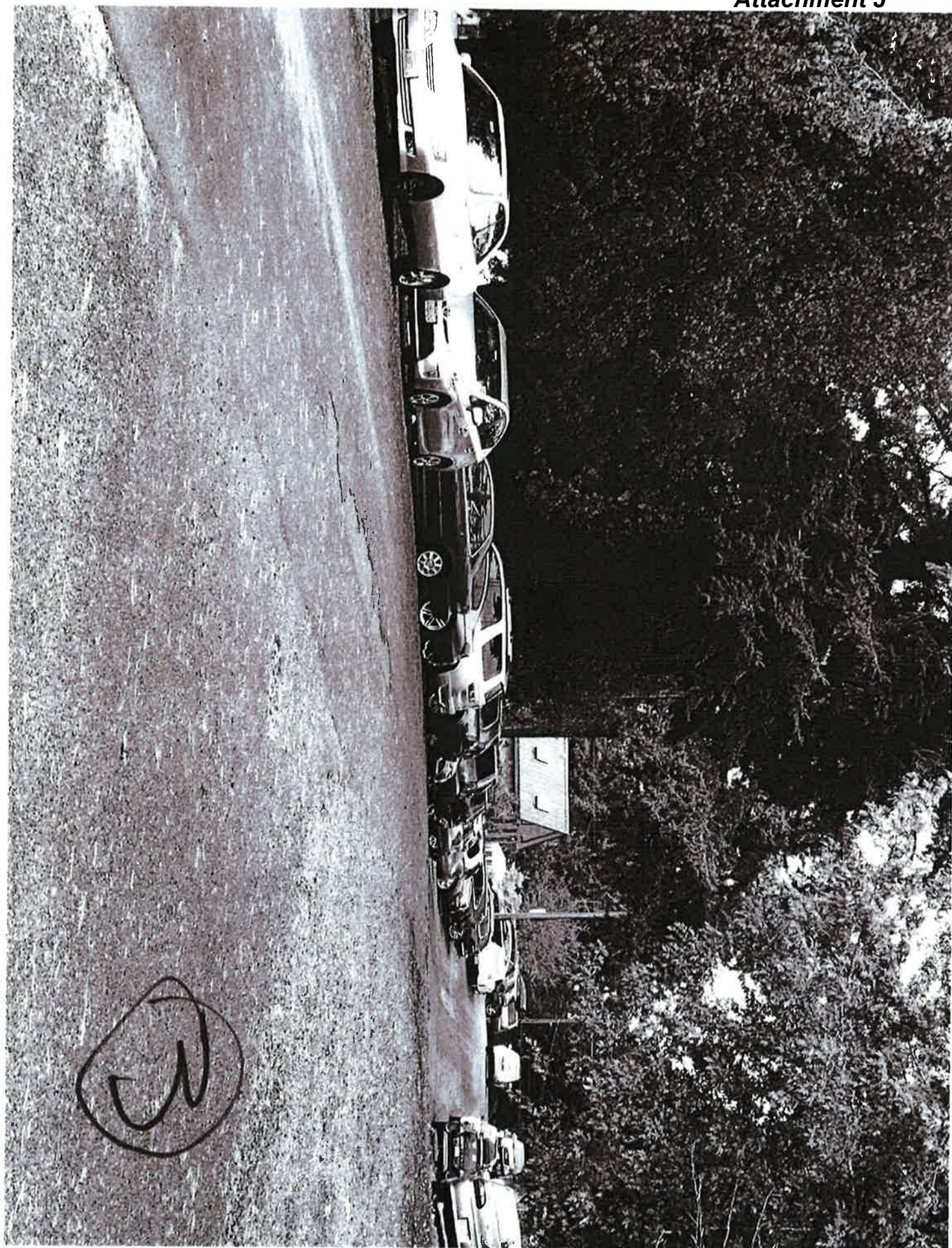
28' ROW

②

Richmond Highlands Park







S



Attachment 5

N

# Neighborhood Traffic Safety Program



Submitted 9/15/17  
with 17 neighbor signatures  
from both Whitman + 167th



## Petition For Beginning the NTSP Process

I am your neighbor and I am contacting you to find out if you share my concerns about cut-through traffic and speeding in our neighborhood. Since our street is a local street, it is a candidate for Shoreline's Neighborhood Traffic Safety Program.

### Resident Program Lead Contact Information

NAME

Candy Hamel &amp; Dave Jackson

STREET ADDRESS

16723 Whitman Ave N, Shoreline, WA 98133

EMAIL

candyanddave@msn.com

PHONE NUMBER

(206) 533-8999

STREET TO BE STUDIED

Whitman Ave N include N 167th

FROM

N 167th, begin at Lynden

TO

N 170th &amp; Whitman Ave N

The Neighborhood Traffic Safety Program is a two-phased approach to reducing traffic concerns on neighborhood streets. The first phase uses effective, but non-restrictive measures using education, enforcement, and minor physical device changes to alter driver behaviors. The second phase focuses on physical measures that may be employed only if the first phase is ineffective.

Seven (7) neighbor signatures, one per household, are required prior to beginning the process. If you agree that the issues stated above exist on our street, please sign below with your address, phone number, and email if available and return to me at the address above.

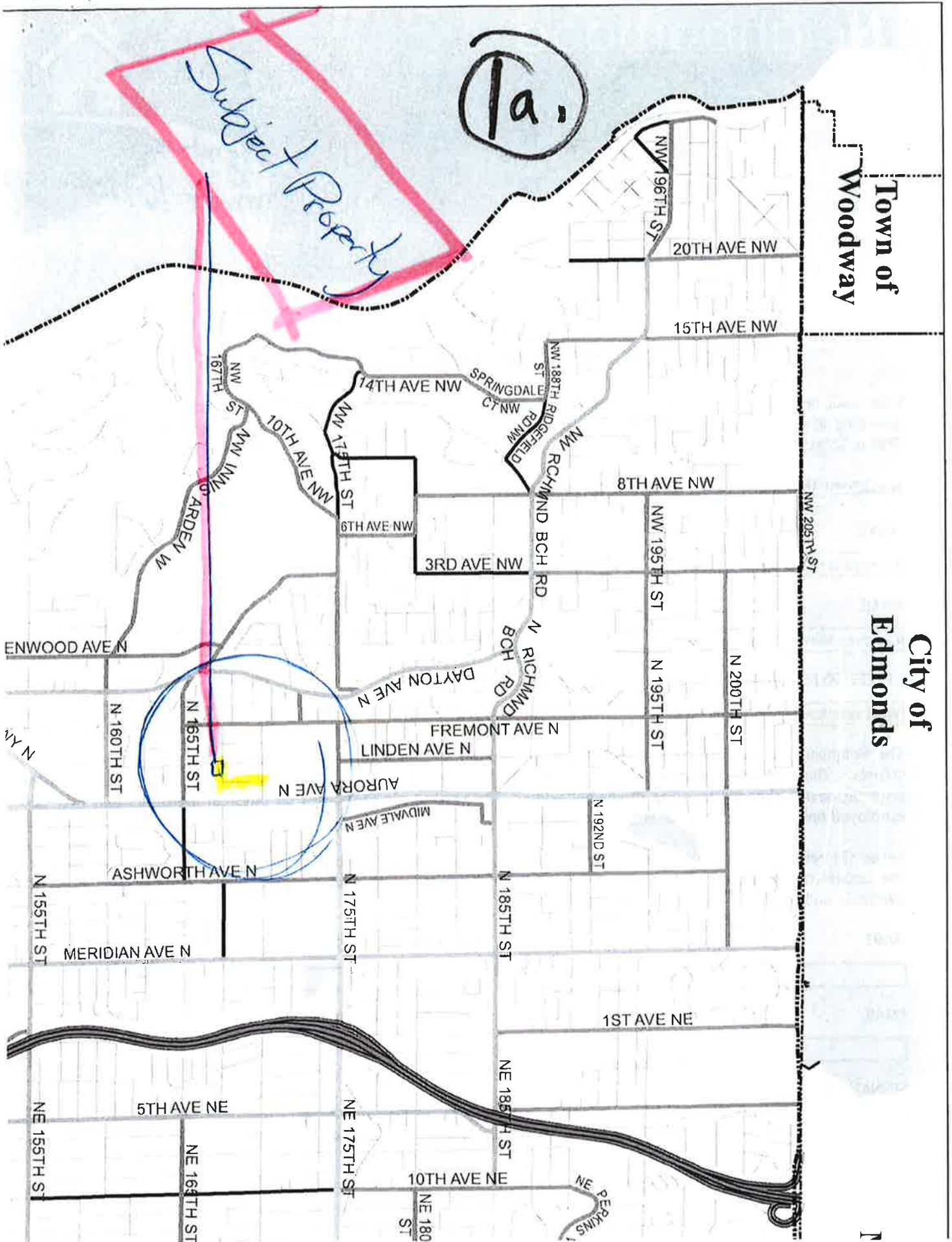
NAME

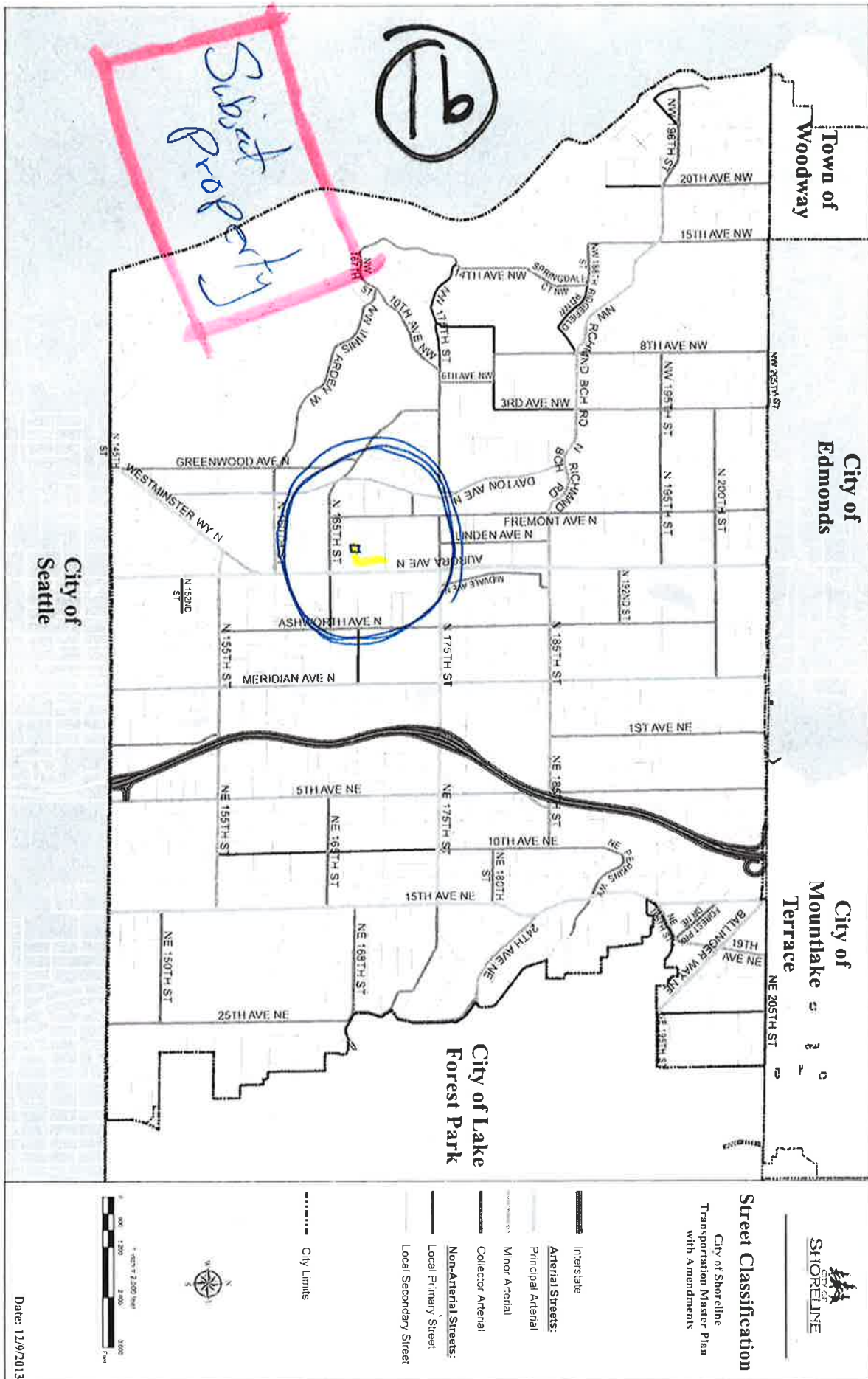
STREET ADDRESS

EMAIL

PHONE NUMBER

SIGNATURE





Traffic Count Data - Candy Hamel

## Traffic Count Data

Kendra Dedinsky &lt;kdedinsky@shorelinewa.gov&gt;

Tue 11/14/2017 9:44 AM

Inbox

To: candyanddave@msn.com &lt;candyanddave@msn.com&gt;;

Cc: Quang Nguyen &lt;qnguyen@shorelinewa.gov&gt;; Steve Szafran &lt;:sszafran@shorelinewa.gov&gt;;

2 attachments (37 KB)

NTSP - N 167th St w/o Whitman Ave N - VOL EB-WB 10-8 2017.pdf, NTSP - Whitman Ave N s/o N 170th St - VOL NB-SB 10-8 2017.pdf;

Hi Candy,

I was told you stopped by again seeking information on the status of the NTSP effort. Both of my staff are out sick today. I'm attaching the raw data if Quang has not sent it to you yet.

Traffic counts for both streets show less than 500 vehicles per weekday, which is relatively low and too low to warrant physical device installation. As you may have seen in the NTSP guidelines (<http://www.shorelinewa.gov/home/showdocument?id=25435>), physical devices are considered for streets with over 700 vehicles per day on average.

Please understand that we are a small staff and that there are many active NTSP efforts happening right now, as well as other standard work. The full process can take more than a year to work through.

Thanks,

**Kendra Dedinsky, PE, PTOE | City Traffic Engineer**

Public Works | City of Shoreline | 206-801-2431

*Supporting a sustainable and vibrant community through  
stewardship of our public infrastructure and natural environment.*

# Attachment J

Location  
5-0

Whitman Ave N  
N 170th St

*Whitman*

City of Shoreline  
Public Works- Traffic Services  
17500 Midvale Ave N, Shoreline, WA 98133

Site: NTSP

## Seven Day Volume

Interval	Sun 10/8/2017	Mon 10/9/2017	Tue 10/10/2017	Wed 10/11/2017	Thu 10/12/2017	Fri 10/13/2017	Sat 10/14/2017	Mon - Fri Average	7 Day Average
Start	SB	NB	SB	NB	SB	NB	SB	SB	NB
12:00 AM	4	2	2	0	1	1	2	1.0	0.2
1:00 AM	1	0	0	0	0	0	0	0.8	0.7
2:00 AM	0	0	1	0	0	1	0	0.6	0.2
3:00 AM	0	0	0	0	0	0	0	0.2	0.0
4:00 AM	1	0	0	0	0	0	0	1.2	0.2
5:00 AM	0	0	16	0	18	3	9	0.6	0.6
6:00 AM	0	0	33	6	32	28	19	32.2	7.4
7:00 AM	1	2	37	11	43	41	28	40.8	9.2
8:00 AM	2	1	44	17	51	42	22	48.8	13.0
9:00 AM	2	1	31	30	37	35	34	33.8	8.4
10:00 AM	5	3	40	15	40	34	38	35.6	13.2
11:00 AM	2	2	31	15	24	34	24	27.6	12.2
12:00 PM	6	5	16	16	13	18	20	15.4	11.0
1:00 PM	2	5	11	11	10	7	10	8.4	8.0
2:00 PM	7	5	5	11	6	6	2	7.8	10.8
3:00 PM	5	2	5	9	5	3	8	5.2	6.8
4:00 PM	3	0	4	4	4	8	7	9.2	6.2
5:00 PM	6	4	5	2	7	10	8	6.0	5.2
6:00 PM	8	3	6	6	9	6	7	7.4	6.0
7:00 PM	7	1	4	2	5	4	6	6.0	3.4
8:00 PM	3	0	4	3	9	5	4	5.2	1.6
9:00 PM	1	0	2	1	2	1	1	4.4	1.0
10:00 PM	1	0	2	2	2	0	6	3.0	1.2
11:00 PM	1	0	2	1	2	4	0	2.4	0.8
Totals	68	40	306	131	325	451	264	321.4	126.8
Combined	108	437	450	424	479	451	381	448.2	390.0
Split (%)	63.0	37.0	70.0	30.0	72.2	27.8	69.3	71.7	28.3

## Peak Hours

12:00 AM - 10:00 AM	10:00 AM - 8:00 AM	8:00 AM - 8:00 AM	8:00 AM - 8:00 AM	8:00 AM - 8:00 AM	8:00 AM - 8:00 AM	8:00 AM - 10:00 AM	10:00 AM - 10:00 AM
Volume	5	3	44	17	51	13	52
12:00 PM - 6:00 PM	12:00 PM - 12:00 PM	12:00 PM - 12:00 PM	12:00 PM - 12:00 PM	12:00 PM - 12:00 PM	12:00 PM - 4:00 PM	2:00 PM - 12:00 PM	12:00 PM - 12:00 PM
Volume	8	5	16	11	16	15	14

*City of Shoreline*  
Whitman Ave N  
167th  
390.00 +  
303.10 +  
693.10 \*

## Attachment J

Location : N 167th St  
w-o : Whitman Ave N

City of Shoreline  
Public Works - Traffic Services  
17500 Midvale Ave N, Shoreline, WA 98133

Site: NTSP

## Seven Day Volume

Interval	Sun 10/8/2017	Mon 10/9/2017	Tue 10/10/2017	Wed 10/11/2017	Thu 10/12/2017	Fri 10/13/2017	Sat 10/14/2017	Mon - Fri Average	7 Day Average
Start	WB	EB	WB	EB	WB	EB	WB	WB	EB
12:00 AM	1	2	1	0	0	0	1	0.4	0.6
1:00 AM	1	1	1	0	0	0	0	1.0	0.2
2:00 AM	1	0	0	0	0	1	0	0.2	0.3
3:00 AM	0	0	0	0	0	0	1	0.2	0.3
4:00 AM	1	0	1	0	0	0	0	0.0	0.0
5:00 AM	0	0	2	3	1	0	0	2.0	0.1
6:00 AM	0	0	2	5	4	2	2	2.6	3.2
7:00 AM	3	0	4	18	7	6	1	4.8	3.6
8:00 AM	1	1	21	10	18	19	2	17.2	13.0
9:00 AM	1	0	18	23	20	28	12	19.2	15.6
10:00 AM	1	0	15	11	16	19	7	17.8	14.0
11:00 AM	7	1	22	11	13	11	21	17.2	13.0
12:00 PM	4	1	13	9	10	14	19	13.6	9.2
1:00 PM	8	6	13	6	10	12	14	13.4	7.6
2:00 PM	2	3	15	15	15	16	22	12.0	15.0
3:00 PM	7	2	10	8	8	4	5	8.4	7.4
4:00 PM	1	1	15	9	6	9	7	9.2	7.7
5:00 PM	4	1	7	17	8	7	8	12.4	10.6
6:00 PM	5	3	22	2	18	24	15	20.6	17.6
7:00 PM	8	4	14	5	9	11	11	13.8	12.6
8:00 PM	4	3	2	4	3	2	6	4.8	3.2
9:00 PM	0	3	2	3	1	0	4	2.4	1.6
10:00 PM	2	1	2	0	4	1	4	2.6	2.2
11:00 PM	0	0	1	3	0	2	0	2.0	3.0
Totals	63	33	199	146	201	157	117	196.6	151.0
Combined	96	345	358	339	358	338	288	347.6	303.1
Split (%)	65.6	34.4	57.7	42.3	56.1	43.9	40.6	56.6	43.4

## Peak Hours

12:00 AM - 12:00 PM	7	2	23	21	22	23	20	22	28	28	19	27	21	16	19.2	24.2	16.3	18.4
12:00 PM - 12:00 AM	8	6	20	15	22	15	18	15	19	16	24	14	22	10	20.6	15.0	17.6	12.1



17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

## **SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

### **PROJECT INFORMATION**

DATE OF ISSUANCE: **October 26, 2017**  
PROPONENT: **Jose Argueta**  
LOCATION OF PROPOSAL: **903, 909, and 915 N. 167<sup>th</sup> Street**  
  
DESCRIPTION OF PROPOSAL: The applicant has requested to rezone three parcels from Residential 8-units per acre (R-8) to Residential 24-units per acre (R-24) in order to construct townhomes.  
  
PUBLIC HEARING **Scheduled for November 15, 2017**

### **SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 15 days from the date below.

RESONSIBLE OFFICIAL: **Rachael Markle, AICP**  
**Planning & Community Development, Director and SEPA Responsible Official**  
ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**  
**Shoreline, WA 98133-4905**

DATE: 10/19/17 SIGNATURE: Rachael E. Markle

### **PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION**

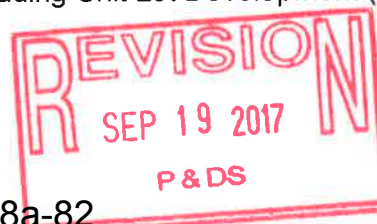
The public comment period will end on November 11, 2017. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file and copy of the Rezone Application are available for review at the City Hall, 17500 Midvale Ave N., 1<sup>st</sup> floor – Planning & Community Development or by contacting Steven Szafran, AICP, Senior Planner at [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov) or by calling 206-801-2512.

The file and copy of this SEPA Determination of Nonsignificance is available for review at the City Hall, 17500 Midvale Ave N., 1<sup>st</sup> floor – Planning & Community Development.

## **Rezone of property/zoning map change criteria (903,909,915 N. 167th St. Shoreline)**

1. **Purpose:** The purpose of this re-zoning proposal is to have consistency with the surrounding parcels that are zoned R-18 to the immediate East and Northeast, and R-24 to the immediate South of these 3 adjacent parcels (903, 909, and 915 N. 167th St.).
2. **Decision Criteria:**
  - Consistency with the surrounding properties. 4 new townhouses to the immediate South, zoned R-24, and townhouses and apartments, directly to the Northeast and West of these 3 parcels.
  - All 3 parcel owners (903, 909, 915) agree to this re-zone of R-24.
  - New sidewalks will be installed, continuing from the South, and wrapping around the corner of Linden/N.167th St., continuing on to the East.
  - With 6 new townhouses, facing West across to the Richmond Highlands Park, there will be more "eyes" on the park, cutting down any illegal activity that may occur.
  - Potentially 15 new townhouses to be built on parcels 903, 909, and 915, increasing revenue for the City of Shoreline.
  - No adverse affect to the public health, safety or general welfare.
  - This re-zone is consistent with the Comprehensive Plan, and these 3 parcels seems to have gotten lost somehow in the rezone of R-24, directly to the South.
  - This re-zone will absolutely achieve consistency with the Comprehensive Plan, and is warranted.
  - The re-zone brings value to the community, by possibly adding up to 15 new townhouses/families. The townhouses will be ascetically pleasing, with a slightly modern architecture look, and will only enhance the neighborhood.
  - This re-zone will in no way be materially detrimental to uses or property in the immediate vicinity and will only improve this block of Linden/N. 167th.
  - With possibly 15 new structures, combined, on these 3 lots, there will NOT be any negative traffic or parking impact, because each unit will have their own 1-2 car garage and private driveway, to keep cars off the street.
  - This re-zone for townhouses, fits in perfectly with the package of code amendments that the Shoreline City Council passed recently, including Unit Lot Development (ULD).



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussing Ordinance No. 789 Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, 20.70, 20.80, 20.230 and Amending Shoreline Municipal Code Section 13.12.700
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager Rachael Markle, AICP, Director
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Amendments to the Development Code (Shoreline Municipal Code Title 20) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for these legislative decisions and is responsible for holding a public hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment.

The Planning Commission held study sessions to discuss the proposed amendments and give staff direction on the amendments on September 7, October 5, and October 19, 2017. The Commission then held the required public hearing on November 2, 2017. The Planning Commission recommended that the City Council adopt the proposed amendments as detailed in Exhibit A to Ordinance No. 789 (Attachment A).

Although most of the proposed Development Code amendments in this group of amendments are aimed at “cleaning up” the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City.

**RESOURCE/FINANCIAL IMPACT:**

The proposed amendments have no direct financial impact to the City.

**RECOMMENDATION**

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Ordinance No. 789. Staff recommends adoption of Ordinance No. 789 as recommended by the Commission when this ordinance is brought back for potential adoption on February 26, 2018.

Approved By:            City Manager **DT**      City Attorney **MK**

## **BACKGROUND**

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state rules and regulations, or to respond to changing conditions or needs of the City.

Pursuant to SMC 20.30.070, amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for these types of decisions and is responsible for holding an open record Public Hearing on any proposed amendments and making a recommendation to the City Council on each amendment.

For the 2017 batch of Development Code amendments, the Planning Commission held three study sessions on September 7, October 5 and October 19, 2017, and a Public Hearing on the proposed amendments on November 2, 2017. Staff reports for these Planning Commission agenda items can be found at the following links:

- September 7<sup>th</sup>: <http://www.cityofshoreline.com/home/showdocument?id=32073>.
- October 5<sup>th</sup>: <http://www.cityofshoreline.com/home/showdocument?id=32576>.
- October 19<sup>th</sup>: <http://www.shorelinewa.gov/home/showdocument?id=32736>.
- November 2<sup>nd</sup>: <http://www.shorelinewa.gov/home/showdocument?id=33623>.

The proposed Development Code amendments include administrative changes (reorganization and minor corrections) and more substantive changes all listed in order of Chapter. The proposed changes are generally as follows:

### **20.20 – Definitions**

- 20.20.012 – B definitions – Add brewpub definition
- 20.20.016 – D definitions – Revise apartment and driveway definitions
- 20.20.018 – E definitions – Delete City Engineer and revise enhancement definition
- 20.20.024 – H definitions – Update hardscape definition
- 20.20.034 – M definitions – Add microbrewery and microdistillery definition, update mitigation definition

### **20.30 – Procedures and Administration**

- 20.30.045 – Neighborhood meeting for certain Type A proposals – Deletes the requirement for a neighborhood meeting when developing more than one home on a parcel and short subdivisions
- 20.30.050 – Administrative decisions – Type B – Adds a footnote that certain Type B actions do not require a neighborhood meeting
- 20.30.060 – Quasi-judicial decisions – Type C – This is a numbering change only
- 20.30.400 – Lot line adjustment and lot merger – Type A action – Adds lot merger to the section
- 20.30.430 – Site development permit for required subdivision improvements – Type A action – Deletes requirement for duplicative site development permits

## **20.40 – Uses**

- 20.40 – Index – Numbering change only
- 20.40.130 – Nonresidential uses – Add brewpub, microbrewery, and microdistillery to the use table
- 20.40.160 – Station area uses – Add brewpub, microbrewery, and microdistillery to the use table
- 20.40.210 – Accessory dwelling units – Deletes the requirement for owner-occupancy, deletes the requirement for an additional parking space and requires ADUs within nonconforming structures to become conforming to setbacks
- 20.40.235 – Affordable housing, light rail station subareas – Updates references, delete the catalyst program, and clarifies fee-in-lieu only applies to partial units
- 20.40.438 – Light rail transit system/facility – Updates reference only
- 20.40.504 – Self-storage facility – Updates screening and fencing requirements
- 20.40.505 – Secure community transitional facility – Numbering change only

## **20.50 – General Development Standards**

- 20.50.020(1) and (2) – Dimensional requirements – Expands setbacks along 145<sup>th</sup> and 185<sup>th</sup> Street.
- 20.50.020(3) – Dimensional requirements in commercial zones – Adds a setback between commercial and Mixed-Use zones, increases the building height to 70 Feet in the MB zone, and add a clarification that the setback will be determined by the Public Works Department through a development application
- 20.50.021 – Transition areas – Adds Director of Public Works to the section
- 20.50.040 – Setbacks – Allow eaves to encroach into setbacks and clarify no projections are allowed into a 5-foot yard setback
- 20.50.100 – Accessory structures – Prohibits shipping containers in single-family zones
- 20.50.150 – Storage space – Prohibits shipping containers in multifamily developments
- 20.50.240 – Site frontage - Eliminate ground floor commercial building requirements and allow access from an existing right-of-way
- 20.50.310 – Exemption from permit – moves emergency tree exemptions and adds tree protection in MUR-70' zone
- 20.50.350(B) – Development standards for clearing activities - Updates reference and clarifies tree exceptions
- 20.50.360 – Tree replacement and site restoration – Requires tree retention and replacement in the MUR-70' zone
- 20.50.410 – Parking design standards – Columns and parking stall clearance
- 20.50.470 – Street frontage landscaping – Clarifies street front parking lot landscaping standards
- 20.50.490 – Landscaping along interior lot lines – Clarifies definition of multifamily

## **20.70 – Engineering & Utilities Development Standards**

- 20.70.440 – New subchapter – Access widths for new development

## **20.80 – Critical Areas**

- 20.80.025 – Critical area maps – Clarifies how to identify a critical area
- 20.80.030 – Exemptions – Updates reference only
- 20.80.040 – Allowed activities – Clarifies allowed activities in critical areas and buffers
- 20.80.045 – Critical areas preapplication meeting – Clarifies which reports are required for a preapplication meeting
- 20.80.050 – Alteration of critical areas – Distinguishes between “natural state” and current conditions of a critical area or buffer
- 20.80.080 – Critical area report – Critical area reconnaissance
- 20.80.090 – Buffer areas – Clarifies the purpose of a buffer area
- 20.80.350 – Wetlands – Compensatory mitigation performance standards and requirements – Clarifies the unit of measurement

## **20.230 – Shoreline Master Plan**

- 20.230.200 – Land disturbing activities – Updates reference only

## **Municipal Code Amendments**

- 13.12.700(C)(3) – Permits – Updates reference only

## **DISCUSSION**

All of the proposed Development Code amendments are listed below. Each amendment includes a description of the amendment, justification for the amendment and staff/Planning Commission recommendations. The Development Code amendments that are recommended for approval by the Planning Commission are also included in Exhibit A to proposed Ordinance No. 789.

### **Amendment #1**

20.20.012 – B Definitions

Brewpub – An eating establishment that includes the brewing of beer as an accessory use. The brewery shall not produce more than 1,500 barrels of beer or ale per year.

**Justification** – The City has seen an increased interest in locating brewpubs and microbreweries in various neighborhoods. The Shoreline Development Code does not have a listed land use for brewpub or microbrewery. The definition and use of a microbrewery is a related amendment. This amendment will add a definition of brewpub. This use will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (see Amendment #11 and #12 below).

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #2**

### 20.20.016 – D Definitions

Dwelling, Apartment – A building containing multiple dwelling units that are ~~usually located above other dwelling units in a multi-unit configuration and/or above commercial spaces. Apartments are not considered single family attached dwellings.~~

Driveway, Shared – A jointly owned and maintained tract or easement serving up to four dwelling ~~two or more units properties.~~

**Justification #1** – The purpose of this amendment is to clarify the difference between an apartment structure and a single-family attached dwelling structure. This definition of apartment has been misinterpreted to include single-family attached dwellings. This issue came to light from a request to build townhomes in the MUR-70' zone. Single-family attached dwellings are not allowed in the MUR-70' zone. The applicant called their proposed project “apartments” when the project was actually townhomes. Staff proposes to strike the word “usually” which then means apartments must always be located above one another. In all of the recent mixed-use buildings in Shoreline, the apartment units have been located above one another. Staff is also proposing to add the sentence, “Apartments are not considered single-family attached dwellings”. These changes will make it clearer that apartments are not single-family attached dwellings.

**Justification #2** – This amendment clarifies that a shared driveway serves up to four dwelling units, not properties. This change will make the definition of shared driveways consistent with the Engineering Development Manuals standards for shared driveways.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #3**

### 20.20.018 – E Definitions

~~Engineer, City – City Engineer having authorities specified in State law or authorized representative.~~

Enhancements - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from ~~resource creation or restoration~~ mitigation projects.

**Justification #1** –Delete the term City Engineer. City Engineer is not used anywhere in the Development Code. The term Public Works Director is used in the Development Code and that term will stay in the Development Code.

**Justification #2** – Chapter 20.80 SMC, critical areas regulations, uses these terms, under the general term of “mitigation”, to refer to the restoration, remediation, resource creation, or compensatory mitigation of damaged critical areas. The standards and the meaning are either the same or overlapping and many have no definition. This causes

confusion when looking for the separate standards that might be applied to each. The only standards in the CAO are under “mitigation standards” in each subsection. That section has the list of preferred actions in the current definition so are redundant and regulatory in the definition section. Staff proposes to retain the enhancement definition because that is for a project to improve and existing critical area without current impacts. However, staff proposes to remove all the terms other than “mitigation” as separate definitions and remove them from the text of the CAO. The list of criteria under “mitigation” is regulatory and specified in each of the critical area mitigation performance standards.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #4**

##### 20.20.024 – H Definitions

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50% hardscape and 50% pervious value.

**Justification** – The existing definition of impervious surface (20.20.026 I) is almost identical to the proposed amendment for hardscape except that the proposed hardscape definition includes pervious pavement, open decking, landscape rockeries, and gravel. These surfaces were included in hardscape to address the topic of “heat islands“, which can hold heat and warm the surrounding area. However, there is no evidence of how much hardscape may contribute to global warming or if it is detrimental to the local environment. Rock or concrete is capable of countering with “cold islands” in the cooler months. The City’s Development Review Engineers (DREs) allow impervious concrete, decks, and rockeries because these items allow water to be absorbed into the ground by moving through or around these objects. However, DREs use the hardscape calculation as their impervious surface calculations. Developers frequently confuse the two definitions.

The intent of regulating hardscape is to limit the development footprint/envelope/massing and increase vegetated areas. The City’s current definition of hardscape was intentionally adopted in order to limit the footprint/envelope of development and mass of built structures and increase vegetated areas.

Staff recommends using consistent and parallel definitions for impervious surfaces and for hardscape. This also ensures consistency with dimensional standards of tables 20.50.020 for the sake of consistency and explanation to the public which already utilized the term hardscape.

**Recommendation** – Planning Commission recommends APPROVAL

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## Amendment #5

### 20.20.034 – M Definitions

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. Production is limited to no more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery – A small operation that produces distilled spirits of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for on or off premises are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Mitigation – The action taken to minimize, rectify, reduce, or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from development or use. Avoiding, minimizing, or compensating for adverse impacts, including use of any or all of the following actions listed in descending order of preference:

- ~~A. Avoiding the impact by not taking a certain action or parts of an action;~~
- ~~B. Minimizing the impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~
- ~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer to the conditions existing at the time of initiation of the project;~~
- ~~D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through biological, engineered, or other methods;~~
- ~~E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal;~~
- ~~F. Compensating for the impact by replacing, enhancing or providing substitute critical areas and environments; and~~
- ~~G. Monitoring the hazard or required mitigation and taking appropriate corrective measures when necessary.~~

~~Mitigation for individual actions may include a combination of the above measures.~~

**Justification** –The City has seen an increased interest in locating micro-distilleries and microbreweries in various neighborhoods. The Shoreline Development Code does not have a listed land use for such uses. Both uses are a small, often boutique-style operation producing beer or spirit alcohol products in small quantities. This amendment will add a definition of microbrewery and micro-distillery. They will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (See Amendments #11 and #12).  
Justification - The CAO uses the “Mitigation” definition to also list regulatory criteria. That criteria belongs in the regulations which already exists under SMC 20.80.053 provisions and each of the types of critical area.

In addition, in the definition and in the mitigation code sections there are a wide variety of terms or mitigating actions that have no definition and are frequently redundant or overlapping of each other (restoration, remediation, resource creation, rehabilitation,

revegetation, compensatory mitigation, replanting). These terms may be useful in describing the actions or issues that need to be addressed. The code also use these terms with “plan” such as a “restoration plan”. Since these terms are used under mitigation plan performance standards it is confusing to know what these other plans are and should include since there are no standards that accompany them. Is the mitigation plan the same as the restoration plan? Rather than sort out these terms staff recommends that the city retain the terms except to remove “plan” if it follows that term.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #6**

20.30.045 Neighborhood meeting for certain Type A proposals.

20.30.050 Administrative Decision – Type B

### **20.30.045 Neighborhood meeting for certain Type A proposals.**

A. A neighborhood meeting shall be conducted by the applicant for temporary use permits for transitional encampment proposals.

B. A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones:

~~1. Developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or~~

~~1, 2.~~ Developments requesting departures under the Deep Green Incentive Program, Chapter 20.50 SMC, Subchapter 9.

~~This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements).~~

### **20.30.050 Administrative decisions – Type B.**

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision <sup>(1), (2), (3)</sup>	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan <u>(4)</u>	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300

Action	Notice Requirements: Application and Decision <sup>(1), (2), (3)</sup>	Target Time Limits for Decision	Appeal Authority	Section
3. Preliminary Short Subdivision <u>(4)</u>	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B Actions do not require a neighborhood meeting. A Notice of Development will be sent to adjacent properties.

**Justification** – The proposed Development Code amendment will strike the requirement of a neighborhood meeting for 1) Developments of more than one single-family detached dwelling unit on a single parcel, 2) Binding Site Plans (building parcels or pads in a commercial zone), and 3) Preliminary Short Subdivisions. In place of the neighborhood meeting, The City is proposing to send a Notice of Development to adjacent property owners within a 100-foot radius of the proposed development site. See Attachment 2 for an example of a Notice of Construction from the City of Mukilteo and Attachment 3 for an example of a 100-foot notification radius).

The Notice of Development is a new type of notice for the City and is intended to alert the adjacent homeowners when a specific development proposal has been approved. The City will continue to send a Notice of Application to residents within 500-feet of the project. The Notice of Development will include more specific development information and will alert neighbors that a development project has been approved by the City.

There are three main reasons for this proposal. The first reason is neighborhood meetings give neighbors and the community a false expectation that comments gathered at the neighborhood meetings can change a development proposal. This is especially true for subdivisions. If an applicant meets all of the requirements of the Development Code, Engineering Design Manual, and the State requirements for a subdivision and the City finds that the proposed subdivision has made the appropriate provisions for the public health, safety, welfare and requirement elements and that the public use and interest will be served, the subdivision will be approved. The neighbors

can comment and give suggestions to a potential developer but the developer does not have a duty to change their plans based on community input.

For example, the City has processed 45 short plat applications between 2010 and 2017. For those 45 neighborhood meetings, there were 197 people in attendance. The City received comments from the neighborhood meeting in the form of a neighborhood meeting report submitted by the applicant as part of the application submittal package. Comments mostly spoke to four topics: trees, traffic, parking, and density (more homes where one home existed before). Although the City received well-thought out and articulate comments, as long as the applicant meets all City and State requirements, staff will approve the application.

The second reason is in most cases, such as a townhome development, a project can be built then later subdivided. The building permit for a townhome project does not require a neighborhood meeting. If a project meets all of the Development Code standards for setbacks, density, and building height, the City will issue a building permit and construction may occur. When and if the developer decides to subdivide the townhomes into individual lots, the subdivision process currently requires a neighborhood meeting. The meeting occurs after the project is built in most cases. From a procedural standpoint, this process does not make sense.

Lastly, the notices for a neighborhood meeting are sent to property owners up to 500-feet from the development proposal. A wide notification radius is helpful for projects that can have a larger impact on a neighborhood such as a Special Use Permit or Conditional Use Permit. But for a subdivision or multiple homes on one lot, it is the adjacent property owner that experiences the impact of new construction. The City will implement a new form of notice that informs the adjacent property owner of a new development approval. The notice will include the specifics of the project, contractor information, and a contact at the City.

As part of the proposal, staff is recommending a 100-foot notification radius for the Notice of Development. A notification radius of 100 was chosen to ensure that not only neighbors adjoining the site are notified but also properties across the street are notified as well.

It should be noted that the City is still sending a Notice of Application and a Notice of Decision (if requested) to all residents within 500-feet of the proposed project. The proposed Notice of Development is a third notice which will replace the neighborhood meeting.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #7**

20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	<b>20.40.502<del>5</del></b>
8. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.353

**Justification** – This is a numbering change only in Table 20.30.060(7) – SCTF Special Use Permit. There are no substantive changes to the provision itself.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #8**

20.30.400 Lot line adjustment and lot merger – Type A action.

20.30.400 Lot line adjustment and lot merger – Type A action.

A. Lot line adjustment and lot merger ~~are~~ is exempt from subdivision review. All proposals for lot line adjustment and lot merger shall be submitted to the Director for

approval. The Director shall not approve the proposed lot line adjustment or lot merger if the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;
2. Would otherwise result in a lot which is in violation of any requirement of the Code.

B. Expiration. An application for a lot line adjustment and lot merger shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

**Justification** – Lot mergers and lot line adjustments are similar in nature and should follow the same process. A Lot Merger is an administrative process to join one or more lots and is included in the Type A action table. The process for Lot Mergers is not addressed in the Development Code so this amendment will add lot mergers into SMC 20.40.400.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #9**

20.30.430 Site development permit for required subdivision improvements – Type A action.

Engineering plans for improvements required as a condition of preliminary approval of a subdivision shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. A separate Site Development Permit is not required if a Site Development Permit was reviewed and approved through a building permit. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165.

**Justification** – Currently, the Development Code requires an applicant submit a Site Development Permit when a Preliminary Short Subdivision is applied for even if a prior Site Development Permit was approved during the building permit stage of the development process. The proposed Development Code amendment will state that a separate, or second, Site Development Permit, is not required if one was approved or is in the process of being approved through a building permit.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #10**

Subchapter 3. Index of Supplemental Use Criteria

20.40.50~~25~~ Secure community transitional facility.

**Justification** – This amendment is a numbering change only. There are no substantive changes to the provision itself.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #11**

20.40.130 Nonresidential uses.

Table 20.40.130

NAI CS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	<u>Brewpub</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Microdistiller y</u>						<u>P</u>	<u>P</u>	<u>P</u>
	<u>Microbrewery</u>						<u>P</u>	<u>P</u>	<u>P</u>

**Justification** – The following amendment is related to Amendments 1, 5 and 12. This proposed amendment will add Brewpubs, Microbreweries, and Microdistillery to the nonresidential use table. Brewpubs are proposed to be an allowed use in the NB, CB, MB, and TC-1, 2, and 3 zones. Microbreweries and Microdistillery are proposed to be an allowed use in the CB, MB, and TC 1, 2, and 3 zones. Brewpubs are most like Eating and Drinking Establishments and are proposed to be in the same zones. Microbreweries and Microdistilleries are a more intense use that can have more of a wholesale and distribution component. Because of this, Microbreweries and Microdistilleries will be prohibited in the Neighborhood Commercial zone and allowed in the CB, MB, and TC 1, 2, and 3 zones.

**Recommendation** – Planning Commission recommends APPROVAL

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## Amendment #12

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	<b><u>Brewpub</u></b>	<b><u>P (Adjacent to Arterial Street)</u></b>	<b><u>P (Adjacent to Arterial Street)</u></b>	<b><u>P</u></b>
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	<b><u>Microbrewery</u></b>		<b><u>P (Adjacent to Arterial Street, cannot abut R-</u></b>	<b><u>P</u></b>

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
			<u>6 zone)</u>	
	<u>Microdistillery</u>		<u>P (Adjacent to Arterial Street, cannot abut R-6 zone)</u>	<u>P</u>
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
<p>P = Permitted Use</p> <p>S = Special Use</p> <p>A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.</p> <p>C = Conditional Use</p> <p>-i = Indexed Supplemental Criteria</p>				

**Justification** – This amendment is related to Amendments 1, 5, and 11 and will add Brewpubs, Microbreweries, and Microdistilleries to the Station Area Use Table.

**Recommendation** – Planning Commission recommends APPROVAL

### Amendment #13

20.40.210 Accessory dwelling units.

A. Only one accessory dwelling unit per lot, not subject to base density calculations.

B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.

~~C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.~~

~~—Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above. (Proposed Amendment A)~~

C. D. Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

Exception to SMC 20.40.210(D): An accessory dwelling unit interior to the residence may be larger than 50 percent of the primary residence where the unit is located on a separate floor and shares a common roof with the primary residence.

~~E. One additional off-street parking space shall be provided for the accessory dwelling unit. (Proposed Amendment B)~~

D. F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

E. G. Accessory dwelling unit shall comply with all applicable codes and standards. Dwelling units that replace existing accessory structures must meet current setback standards. (Proposed Amendment C)

F. H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated.

**Justification** – There are three proposed amendments to the Accessory Dwelling Units indexed criteria. Two of the amendments are citizen initiated and the last amendment is city-initiated.

First, a private citizen has proposed two changes to the Accessory Dwelling Unit indexed criteria. For the applicant's justification for this amendment, refer to Attachment 4. The first proposal is to eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit. The second proposal is to eliminate the required parking space for the ADU.

Staff is concerned that this proposal will change the character of single-family neighborhoods throughout Shoreline. This amendment will literally allow single-family neighborhoods to transition to multifamily neighborhoods by outright allowing for rent duplexes or detached dwelling units on every parcel zoned R-4 and R-6.

The current conditions that are required for the establishment of ADUs are there to minimize the impact to single-family neighborhoods. The requirement of the owner living in one of the units ensures that the property is maintained. The requirement for an additional off-street parking space ensures that the neighborhood streets are not burdened by additional cars. ADUs are a way to increase density of existing single-family neighborhoods, provide homeowners with the option of additional living space and rental potential, and maintains the character and aesthetic of the single-family neighborhood.

Second, the additional amendment to this section is staff proposed. Accessory structures and Accessory Dwelling Units are two different land uses. Accessory structures by code are uninhabited spaces (sheds, garages, storage). Many older accessory structures do not meet current setbacks. Currently, Accessory Dwelling Units (ADU) may be able to convert accessory structures to an ADU with substandard setbacks. The minimal that an accessory structure can be demolished in order to reestablish the same setbacks is the old foundation. All dwelling units should meet setbacks for safety and the privacy of the adjoining property.

**Recommendation** – Planning Commission recommends DENIAL of Amendments A and B. Planning Commission recommends APPROVAL of Amendment C.

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#### **Amendment #14**

20.40.235 Affordable housing, light rail station subareas.

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

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

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

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

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3)(4)	Height may be increased above 70 ft.; <u>no density limits; and</u> may be eligible for: 12-year property tax exemption (PTE) <u>upon designation</u> authorization by City Council pursuant to <u>RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>and no density limits.</del>	<u>Entitlement of 70 ft. height; no density limits; and</u> <del>m</del> May be eligible for 12-year property tax exemption (PTE) <u>upon designation</u> by City Council pursuant to <u>RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>and no density limits.</del> <u>entitlement of 70 ft. height</u> and no density limits.	<u>Entitlement of 45 ft. height; no density limits; and</u> <del>M</del> ay be eligible for 12-year property tax exemption (PTE) and permit fee reduction <u>upon designation</u> by City Council pursuant to <u>RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>entitlement of 45 ft. height</del> and no density limits.	<u>No density limits; and</u> <del>M</del> ay be eligible for 12-year property tax exemption (PTE) and permit fee reduction <u>upon designation</u> by City Council pursuant to <u>RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>and no density limits.</del>
Studio, 1 bedroom (3)(4)	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
2+ bedrooms <u>(3)(4)</u>	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

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

~~3. Catalyst Program. The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption (PTE) upon designation by the City Council pursuant to RCW 84.14 and SMC 3.27 with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits at a rate of one TDR credit for every four units constructed upon authorization of a TDR program by City Council.~~

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

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60% or less of the King County Area Median Income.

**Justification** – There are several proposed amendments to SMC 20.40.235.

The first set of amendments add a reference to SMC 3.27, which is the Chapter for property tax exemptions (PTE), and reference code language regarding permit and impact fee reductions or waivers. In order for a project to be eligible for PTE, the project must comply with eligibility standards and guidelines described in SMC 3.27.040. A new provision also explains that to be eligible for PTE, as per State code, a developer must also build 20 percent of the units to the affordability standard (as opposed to the 10 percent option also available in 20.40.235). Another new provision explains that to

be eligible for permit and impact fee reductions or waivers, units must be affordable to those earning 60% or less of the King County Area Median Income.

Another amendment will strike the reference to the City's Catalyst Program related to Transfer of Development Rights. The City will revisit the issue of TDR's when Council provides direction at the end of 2017 or early 2018.

The last amendment reflects that fee-in-lieu for mandatory affordable housing is only available for partial units.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #15**

20.40.438 Light rail transit system/facility.

**F. Project and Permitting Processes Light Rail System/Facility.**

**1. Accelerated Project and Permitting Process.**

a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed accelerated project and permitting staffing agreement between the City and the project proponent.

b. The fees for permit processing will be determined as part of the accelerated project permitting staffing agreement.

c. An accelerated project and permitting staffing agreement shall be executed prior to the applicant's submittal of the special use permit application; or the applicant may choose to utilize the City's standard project and permitting processes set forth in subsection (F)(2) of this section.

**2. Standard Project and Permit Process.**

a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.

b. Cost. Permit fees will be charged in accordance with Chapter 3.01 SMC ~~SMC 3.01.010~~. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.

c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an accelerated project permitting staffing agreement, the target time limits for decisions denoted in Chapter 20.30 SMC may be extended by the Director if adequate staffing is not available to meet demand.

**Justification** – This amendment will strike the reference to SMC 3.01.010 and replace with SMC 3.01. Section 3.01.010 is a reference to Planning and Community

Development fees. Light rail transit system/facilities are subject to all fees imposed by the City and not just Planning and Community Development Department fees.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #16**

20.40.505 Secure community transitional facility.

20.40.505~~2~~ Secure community transitional facility.

**Justification** – This amendment only changes the numbering of the section. There are no substantive changes to the provision itself.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #17**

20.40.504 Self-storage facility.

A. Location of Self-Storage Facilities.

1. Self-storage facilities shall not be permitted on property located on a corner on an arterial street. For the purposes of this criterion, corners are defined as all private property adjacent to two or more intersecting arterial streets for a minimum distance of 200 feet in length by a width of 200 feet as measured from the property lines that face the arterials.

2. Self-storage facilities shall not be permitted in the Aurora Square Community Renewal Area.

3. In the Community Business zone, self-storage facilities are allowed adjacent to Ballinger Way NE, 19th Ave NE and Bothell Way NE only.

B. Restrictions on Use of Self-Storage Facilities.

1. The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in storage. Storage units shall not be used for activities such as: residences, offices, workshops, studios, hobby or rehearsal areas.

Self-storage units shall not be used for:

a. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity is prohibited.

b. Conducting garage or estate sales is prohibited. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.

c. Storage of flammable, perishable or hazardous materials or the keeping of animals is prohibited.

2. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.

C. Additional Design Requirements.

1. Self-storage facilities are permitted only within multistory structures.

2. Self-storage facilities shall not exceed 130,000 square feet.

3. All storage units shall gain access from the interior of the building(s) or site – no unit doors may face the street or be visible from off the property.

4. Loading docks, entrances or bays shall be screened with screens, fences, walls, or evergreen landscaping from adjacent right-of-ways.

5. If a Fences or and walls around and including entry is proposed then they shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are preferred. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks are prohibited. Fences or walls are not allowed between the main or front building on the site and the street. Landscape areas required by the design guidelines or elsewhere in this code shall not be fenced.

6. Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 20 percent glass. All other building elevations shall include windows (or translucent cladding materials that closely resemble windows) such that not less than seven and one-half percent of said elevations provide either transparency or the illusion of transparency when viewed from the abutting street or property.

7. Unfaced concrete block, painted masonry, tilt-up and precast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

8. Exterior colors, including any internal corridors or doors visible through windows, shall be muted tones.

9. Prohibited cladding materials include: ~~(a)~~ unbacked, noncomposite sheet metal products that can easily dent; ~~(b)~~ smooth face CMUs that are painted or unfinished; ~~(c)~~ plastic or vinyl siding; and ~~(d)~~ unfinished wood.

10. Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures

and switches shall be of a secure design that will not allow tapping the fixtures for other purposes.

11. Self-storage facilities are required to be Leadership in Energy and Environmental Design (LEED) certified.

**Justification** – There are three clarifications added to the screening and fencing requirements for self-storage facilities.

1. SMC 20.40.504(C)(4) is the section that requires loading docks, entrances, or bays be screened. The section does not say from where or what loading docks, entrances, or bays need to be screened. Staff is proposing to add types of screening and “from adjacent right-of-ways” since the intent is to screen these parts of the development from the street.
2. SMC 20.40.504 (C) (5), The code is currently unclear if fences and walls are required for self-storage facilities so this amendment clarifies that if a fence or wall is provided, it needs to meet the provisions of 20.40.504 (C)(5).
3. The third amendment for SMC 20.40.504 (C) (9) is only to remove unnecessary formatting.

**Recommendation** – Planning Commission recommends APPROVAL

## Amendment #18

20.50.020(1) and (2) – Densities and Dimensions in MUR Zones

Table 20.50.020(1)

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

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
Min. Front Yard Setback (2) (3) <u>(14)</u>	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

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

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

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <del>20</del> <u>22</u> ft if located on 145th Street (14)	15 ft if located on 185th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street <del>20</del> <u>22</u> ft if located on 145th Street (14)	15 ft if located on 185th Street (14) <del>20</del> <u>22</u> ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12) (15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) *Repealed by Ord. 462.*

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

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

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

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

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

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

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

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

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

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

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

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

(14) (14) *The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10<sup>th</sup> Avenue NE), up to the maximum described in*

Table 20.50.020(2), will be determined by the Public Works Department through a development application.

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

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

**Justification** – As was done with the MUR zones along NE 185<sup>th</sup> and 145<sup>th</sup> Streets, setbacks need to be expanded along the entire length of NE 145<sup>th</sup> Street so that no new buildings extend into the area that may need to be acquired to expand the roadway. This can be accomplished simply by referencing the existing exception 14 to Tables 20.50.020 (1) and (2) below. An additional exception has been added to Table 20.50.020 (3) in Amendment #19 for the same purpose.

**Recommendation** – Planning Commission recommends APPROVAL

#### Amendment #19

20.50.020(3) – Dimensional requirements.

#### Table 20.50.020(3) – Dimensions for Development in Commercial Zones

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

<b>Commercial Zones</b>				
<b>STANDARDS</b>	<b>Neighborhood Business (NB)</b>	<b>Community Business (CB)</b>	<b>Mixed Business (MB)</b>	<b>Town Center (TC-1, 2 &amp; 3)</b>
Min. Front Yard Setback (Street) (1) (2) (5); (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the <u>MUR-70' Zone</u>	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, <u>MUR-35'</u> , and <u>MUR-45' Zones</u>	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	<u>70-65</u> ft	70 ft

<b>Commercial Zones</b>				
<b>STANDARDS</b>	<b>Neighborhood Business (NB)</b>	<b>Community Business (CB)</b>	<b>Mixed Business (MB)</b>	<b>Town Center (TC-1, 2 &amp; 3)</b>
Hardscape (4)	85%	85%	95%	95%

*Exceptions to Table 20.50.020(3):*

- (1) *Front yards may be used for outdoor display of vehicles to be sold or leased.*
- (2) *Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.*
- (3) *The following structures may be erected above the height limits in all commercial zones:*
  - a. *Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC 20.40.600) are not included in this exception.*
  - b. *Parapets, firewalls, and railings shall be limited to four feet in height.*
  - c. *Steeple, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.*
  - d. *Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.*
  - e. *Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.*
- (4) *Site hardscape shall not include the following:*
  - a. *Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.*
  - b. *Intensive vegetative roofing systems.*
- (5) *The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*

**Justification** – There are three amendments below.

The first amendment adds a setback between commercial zones and MUR zones. The initial development regulations adopted to implement the 185<sup>th</sup> and 145<sup>th</sup> Street Station Subarea Plans failed to include a setback requirement when an MUR zone is adjacent to a commercial zone. The proposal is to allow a 0-foot setback for MUR-70' when adjacent to commercial zones. The MUR-70' zone is most like commercial zones in terms of development potential and should follow the same guidelines for development. The proposal for the MUR-35' and MUR-45' zones is different. The MUR-35' and MUR-45' zones are less intense and are most like the R-12 through R-48 zones. The proposed setback standard is 15-feet from commercial zones, the same setback established for the R-12 through R-48 zones.

The second amendment changes the building height in the Mixed Business (MB) zone to 70 feet. A building height of 70 feet is currently allowed in the Town Center 1, 2, and 3 zones as well as MUR-70'. When the City developed the Town Center Subarea Zone, a 65 feet height limit was proposed. However, building designers encouraged an increase of 5' in the height limit to create better living spaces. A 65' six-story building typically has 8' ceiling heights in its five wood-framed stories; adding 5' to the height allows those units to enjoy 9' ceiling heights with larger windows and an enhanced sense of volume. Meanwhile, a 5' increase is not sufficient to allow an additional story, so the change does not modify the impact of the building. The 70' height limit for the Town Center zones has validated the benefits of the increase, so Staff recommends that the height limit of the MB zone also be raised to 70'.

The third amendment adds an exemption to clarify that the setback along the length of 145<sup>th</sup> Street will be determined by Public Works through a development application.

### **Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #20**

##### **20.50.021 – Transition Areas**

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

**Justification** – The proposed amendment clarifies that the Director of Public Works shall determine that all vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless technically not feasible or in conflict with State law addressing access to State highways.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #21**

20.50.040 Setbacks – Designation and measurement.

I. Projections into Setback.

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:

a. Gutters;

b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or

c. On-site drainage systems.

d. Where allowed by the International Building Code and International Fire Code minimum fire separation distance requirements, required yard setback distance from adjacent property lines may be decreased by a maximum of four inches for the sole purpose of adding insulation to the exterior of the existing building structural frame. Existing buildings not conforming to development standards shall not extend into required yard setback more than what would be allowed for a conforming structure under this exception.

e. Rain barrels, cisterns and other rainwater catchment systems may extend into a required yard setback according to the following:

i. Cisterns, rain barrels or other rainwater catchment systems no greater than 600 gallons shall be allowed to encroach into a required yard setback if each cistern is less than four feet wide and less than four and one-half feet tall excluding piping.

ii. Cisterns or rainwater catchment systems larger than 600 gallons may be permitted in required yard setbacks provided that they do not exceed 10 percent coverage in any required yard setback, and they are not located closer than two and one-half feet from a side or rear lot line, or 15 feet from the front lot line. If located in a front yard setback, materials and design must be compatible with the architectural style of the building which it serves, or otherwise adequately screened, as determined by the Director.

iii. Cisterns may not impede requirements for lighting, open space, fire protection or egress.

2. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into required setbacks, except into any five-foot yard required setback ~~a side yard setback that is less than seven feet~~, provided such projections are:

- a. Limited to two per facade;
- b. Not wider than 10 feet;
- c. Not more than 24 inches into a side yard setback ~~(which is greater than seven feet)~~; or
- d. Not more than 30 inches into a front and rear yard setback.

1. Eaves shall not project ~~more than~~:

- a. ~~Eighteen inches~~ Into a required five-foot setback, and ~~shall not project at all into a five-foot setback~~;
- b. More than thirty-six inches into front and rear yard required setbacks.

Exception SMC 20.50.040(I)(3): When adjoining a legal, non-conforming eave, a new eave may project up to 20% into the required setback or may match the extent of the legal, non-conforming eave, whichever is lesser.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project five feet into the required front, rear and side yard setbacks but not within five feet of a property line.

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback, but shall not be allowed into any five-foot yard setback.

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

8. Arbors are allowed in required yard setbacks if they meet the following provisions:

- a. No more than a 40-square-foot footprint, including eaves;
- b. A maximum height of eight feet;
- c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.

9. No projections are allowed into a regional utility corridor.
10. No projections are allowed into an access easement.

**Justification** – There are two proposed amendments for this section.

The first amendments will allow additions to single family homes to line up with the eave of the existing structure, provided the eave does not project closer than four feet to the property line. Currently, the code does not allow eaves to project into a five-foot side yard setback, so the home owner has two choices, either move the addition to allow space for the eave or don't provide an eave at all. If the addition is moved over, the addition appears piecemeal and not integrated into the original structure. If the eave is left off, no weather protection is provided and the addition does not match the original structure. This proposal will allow additions to appear integrated into the original structure and provide weather protection which contributes to better maintained homes.

The second amendment clarifies the need to make sure that projections, of any type, are not allowed into 5-foot minimum setbacks. For side yards, this is pretty well covered, but since we also have a number of zones where the rear yard setback is only 5 feet (R-8 through R-48, TC-4, all MUR zones), some of the wording leaves potential room for projections into 5-foot minimum rear yard setbacks which was not intended.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #22**

20.50.100 Location of accessory structures within required yard setbacks – Standards.

A. No accessory structure shall be located within any required setback.

B. Prohibited Structures. Shipping Containers are prohibited within any parcel.

*Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and 200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.*

*Exception 20.50.100(2): If the accessory structure, which is less than 200 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.*

**Justification** – Shipping containers have been a contemporary land use that were previously addressed in the Development Code. They were previously allowed only in commercial areas with a Conditional Use Permit. Currently, shipping containers are not a listed land use but are allowed with design standards in the Commercial Design Standards which apply to all commercial zones. All buildings in commercial zones must comply with building design standards in SMC 20.50.250. The exception is in self-storage development where they are prohibited (SMC 20.40.504 (B)(2)).

Since the Land Use tables do not list or address shipping containers, the City is receiving requests from single family development to place shipping containers on their property. Staff believes that the request to use shipping containers comes in waves/trends depending on their availability and cost. Normally, if a land use is not listed in the tables, we require a code interpretation to determine how an unlisted land use should be regulated.

Staff would like to clarify this land use issue by adding shipping containers to the single-family, single-family attached, and multifamily design standards and continue to allow them in all commercial zones (consistent with the commercial design standards) and campus zones.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #23**

20.50.150 Storage space for the collection of trash, recyclables, and compost – Standards.

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.

D. Shipping Containers are not allowed.

**Justification** – This amendment is related to Amendment #22.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #24**

20.50.240 (C) Site Frontage

C. Site Frontage.

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

a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;

c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 102-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use.

This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones (**Proposed Amendment A**);

- d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
- e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;
- f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
- g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;
- h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;
- i. New development in MUR zones on 185th Street, ~~and NE 145th Street~~, and 5th Avenue NE between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide ~~alternative access from the adjacent right-of-way through the administrative design review process~~ (**Proposed Amendment B**); and
- j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

**Justification** – The amendment to minimum space dimensions for ground-level interiors was proposed in order to allow flexibility for developers when a 12-foot ceiling height was not needed for a ground-floor commercial space. Developers have commented to the City that commercial ceiling heights can be less than 12 feet and still accommodate commercial businesses. The Planning Commission believes that 12-foot ceiling heights creates better aesthetics and ultimately provides a better experience than a lower ceiling could. Also, the Commission believes if amendment #19 is approved and building heights in the MB zone spaces can be built to 70-feet, then the requirement of a 12-foot ground-floor ceiling height is not over burdensome. This is why the Commission recommends denial of Proposed Amendment A.

Proposed Amendment B is related to access in the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subareas. The intent of the code section is desirable by staff and consistent with the intent of the Station Area Subarea Plans to discourage frequent driveway cuts directly on to both 145<sup>th</sup> and 185<sup>th</sup> Streets. However, the phrase “unable to obtain access from side streets or alleys” is problematic when the City has no way of knowing whether a developer tried to or can obtain the preferred access nor require them to obtain it. In addition, Administrative Design Reviews (ADRs) under SMC 20.30.297 specifically refer to the standards under the sign code and the commercial design standards. Relying on an ADR to resolve a design problem that is objective - either you have rights to access or you don't - is not the intent of that process. It is more direct and plausible if the City requires the alternative access if an adjoining public side street or alley exists or will be required to be constructed by Public Works. Also, the existing extent of this requirement on 145<sup>th</sup> and 185<sup>th</sup> Streets does not match with the Subareas' boundaries. To be consistent with the Subareas and SMC 20.50.240(C)(1), this requirement should apply to all MUR zones on 145<sup>th</sup> and 185<sup>th</sup>.

**Recommendation** – Planning Commission recommends DENIAL of Amendment A and APPROVAL of Amendment B.

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## **Amendment #25**

### 20.50.310 Exemptions from permit

**A. Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

~~1. Emergency situation on private property involving danger to life or property or substantial fire hazards.~~

~~a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.~~

~~b. For purposes of this section, “Director” means the Director of the Department and his or her designee.~~

~~c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the~~

~~emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.~~ **(Proposed Amendment A)**

1. ~~2.~~ Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. ~~3.~~ Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally critical areas.

3. ~~4.~~ Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

4. ~~5.~~ Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and ~~MUR-70~~ **(Proposed Amendment B)** unless within a critical area or ~~of~~ **(Proposed Amendment C)** critical area buffer.

5. ~~6.~~ Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC 20.80.030(E) or removal of trees consistent with SMC 20.80.030(G) unless a permit is specifically noted under SMC 20.80.030(E).

**B. Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).

**Table 20.50.310(B)(1) – Exempt Trees**

<b>Lot size in square feet</b>	<b>Number of trees</b>
Up to 7,200	3
7,201 to 14,400	4
14,401 to 21,780	5
21,781 and above	6

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).

3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.

4. Emergency tree removal on private property. A tree may be removed in whole or part if it is creating an active and imminent hazard to life and/or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, so as to require immediate action within a time too short to allow full compliance with this chapter. After removal, the property owner shall provide the City with photographic or other types of evidence to demonstrate the hazard and the need for emergency removal. If upon review of this evidence the City determines that emergency removal was not warranted, then the property owner will be required to obtain the necessary permits and mitigate for the tree removal as set forth in this chapter.  
**(Proposed Amendment A)**

**Justification** – There are three proposed amendments to this section.

Proposed Amendment A clarifies language in this section about when an after-the-fact permit may be required for removal of an active or imminent hazard tree. Currently, this provision is somewhat confusing and has been interpreted/administered differently by different staff. This amendment clarifies that an after-the-fact permit is only required if the City determines that emergency removal was not warranted. This amendment also includes a correction for a prior typographical error.

Proposed Amendment B is a citizen-initiated request to amend this section. The proposed amendment would exclude the MUR-70' zone from SMC 20.50.310(A) which is the complete exemption from tree conservation, land clearing, and site grading section of the code. The applicant has stated that by exempting the MUR-70' zone from tree requirements, there will be adverse effects on shade, habitat, climate control, pollution, and aesthetics. The Council discussed the issue of trees in the MUR zones at length during the adoption process of both the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subarea Plans in 2015. It was determined at that time that tree retention and replacement standards are appropriate in the MUR-35' and MUR-45' zones since those two zones are similar to other residential zones that have the necessary open space to retain and plant new trees. The MUR-70' zone is similar to other commercial and mixed-use zones throughout the City and the retention and replacement of trees will make development more difficult.

In addition to proposing that developers in the MUR-70 zone not be completely exempt, this request proposed three suggested requirements: (1) provide incentives for the retention of large trees, such as tax breaks, bonus height/units (2) require a 1 to 3 replacement ratio for trees of 30"+DBH and for these trees (street or habitat settings) to be located within ¼ mile of the site; (c) require a minimum of 1 tree that will mature to significant DBH be incorporated in landscaping plan for site. The proposed language for these new requirements are located in Amendment #27.

Proposed Amendment C is to fix a small grammatical error; the word "of" should be "or".

**Recommendation** – Planning Commission recommends APPROVAL of Amendments A and C. Planning Commission recommends DENIAL of Amendment B.

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**Amendment #26**

Exception 20.50.350(B)

1. *The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist and ~~approved by the City~~ that retention of the minimum percentage of trees is not advisable on an individual site; or*

2. *The Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:*

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

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

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

**Justification** – The wording of this exception makes it unclear whether BOTH (1) AND (2) are required in order to grant the exception, or EITHER (1) OR (2) may be the basis for granting the exception. My initial understanding was that both are needed, based on the use of the phrase “in addition”, but the Director’s interpretation of this exception

concluded that this meant (1) and (2) are two alternative sets of criteria and that the exception may be granted if either is fulfilled. If this is the case, then the wording needs to be made clearer. I am also recommending that we remove the phrase “and approve by the City” in regards to arborists as we no longer maintain lists of qualified professionals, and add additional wording to be consistent with our current code definition of a certified arborist.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #27**

20.50.360(C) Tree replacement and site restoration.

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

- a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.
- b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:
  - i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
  - ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
  - iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
  - iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

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

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.

D. Tree Retention and Replacement in the MUR-70' Zone. Tree removal in the MUR-70' zone shall comply with the following requirement:

1. Removal of 30-inch diameter or larger trees shall be replaced by three trees within a quarter mile of the property and maintained for three years.

2. One tree must be planted and maintained onsite.

3. Incentives for greater tree retention shall be provided by the Director. Incentives include tax breaks, additional building height, and reduced parking.

E. D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

F. E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

G. F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.

H. G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

I. H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the

life of the project, unless otherwise approved by the Director in a subsequent permit.

J. I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

K. J. Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

L. K. Performance Assurance.

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.
2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.
3. The Director shall exempt individual single-family lots from a maintenance bond, except where a clearing violation has occurred or tree replacement is located within critical areas or critical area buffers.

M. L. Monitoring. The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

N. M. Discovery of Undocumented Critical Areas. The Director may stop work authorized by a clearing and grading permit if previously undocumented critical

areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site.

**Justification** – This is a privately initiated amendment and is related to Amendment #25. See Amendment #25 for justification.

**Recommendation** – Planning Commission recommends DENIAL

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#### **Amendment #28**

##### 20.50.410(F) Parking Design Standards

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director's determinations for parking angles not shown in Table 20.50.410F, parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design. Structural columns or permanent structures can only encroach into a parking stall 6-inches the first four feet and the last four feet of the parking stall.

**Justification** – Structural items, such as columns, are becoming more prevalent in underground parking areas. They are frequently placed between two parking spaces and tight enough in that space to make it difficult to park, open doors, and exit the vehicle. Staff not only calculates the number of parking spaces and their dimensions but also the ease of parking. If parking becomes difficult, then some of the required spaces become unusable.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #29**

##### 20.50.470 Street frontage landscaping

SMC 20.50.470 Street frontage landscaping for parking lots.

A. Provide a five-foot-wide, Type II landscaping that incorporates a continuous masonry wall between three and four feet in height. The landscape shall be located between the public sidewalk or residential units and the wall; or

B. Provide at least 10-foot-wide, Type II landscaping.

C. All parking lots shall be separated from ground-level, residential development by the required setback and planted with Type I landscaping.

D. Vehicle Display Areas Landscaping. Shall be determined by the Director through administrative design review under SMC 20.30.297. Subject to the

Director's discretion to reduce or vary the depth, landscaped areas shall be at least 10 feet deep relative to the front property line. Vehicle display areas shall be framed by appropriate landscape materials along the front property line. While allowing the vehicles on display to remain plainly visible from the public rights-of-way, these materials shall be configured to create a clear visual break between the hardscape in the public rights-of-way and the hardscape of the vehicle display area. Appropriate landscape construction materials shall include any combination of low (three feet or less in height) walls or earthen berms with ground cover, shrubs, trees, trellises, or arbors.

**Justification** – This proposed amendment makes it clear that SMC 20.50.470 (A) through (D) only applies to street-front landscaping between a building and the right-of-way. Currently, the Development Code language is unclear when this section applies to a specific development. Adding “for parking lots” in the title of the section will make it clear this section only applies to parking lots along the street frontage.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #30**

20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development of ~~more than four units~~ shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback.

C. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

D. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

**Justification** – This proposed amendment is a clean-up amendment. The Definitions of various types of dwellings were updated in 2016 which included multifamily development. At that time, the number of units that comprised a multifamily development was deleted. This amendment will delete the number of units from this section which is consistent with the definition of multifamily.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #31**

### **20.70.440 – Access (New Subchapter)**

#### Subchapter 6. Access Standards

##### 20.70.440 Purpose.

##### 20.70.450 Access Widths.

##### 20.70.440 Purpose.

The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. Access widths are described and defined in the Engineering Development Manual.

##### 20.70.450 Access widths

##### A. Table 20.70.450 – Access Widths

<u>Dwelling Type and Number</u>	<u>Engineering Development Manual Access Types and Width</u>
<u>1 unit</u>	<u>Residential</u>
<u>2-4 units</u>	<u>Shared</u>
<u>5 or more units</u>	<u>Multifamily</u>
<u>Commercial, Public Facility</u>	<u>Commercial</u>
<u>Circular</u>	<u>Per Criteria in EDM</u>
<u>5 or more units without adjacent development potential</u>	<u>Private Street</u>

**Justification** – There has been confusion about required driveway widths for certain types of development. This proposed Subchapter of the Engineering and Utilities Development Standards will list the appropriate driveway widths for certain types of development. The Public Works Department has recently updated the Engineering Development Manual and includes five types of driveways:

Residential

Shared

Multifamily

Commercial

Private Street

The Development Code has different types of development types and this amendment will marry the specific types to the appropriate driveway type in the Engineering Development Manual. Once the development type and number of units proposed are known, the applicant can then be referred to the Engineering Development Manual where the driveway type and specific design standards are located.

This amendment will clear-up any confusion about what type and width of driveway is required for a specific type of development.

The title page of Chapter 20.70 will also be updated to include the new Subchapter and Sections.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #32**

20.80.025(A) and (B) Critical area maps

A. The approximate location and extent of identified critical areas within the City's planning area are shown on the critical areas maps adopted as part of this chapter, including but not limited to the maps identified in SMC 20.80.222, 20.80.272 and 20.80.322. These maps shall be used for informational purposes as a general guide only for the assistance of ~~only to assist~~ property owners and other interested parties. Boundaries and locations indicated on the maps are generalized. Critical areas and their buffers may occur within the City, which have not previously been mapped. A site inspection by staff or an applicant's Critical Area Worksheet may also indicate the presence of a critical area.

B. Based on an indicated critical area in subsection A, the actual presence or absence, ~~a type, extent, boundaries, delineation~~ and classification of critical areas shall be identified in the field by a qualified professional, and confirmed ~~determined~~ by the City, according to the procedures, definitions and criteria established by SMC 20.80.080(D)(1 and 2). In the event of any conflict between the critical area location and designation shown on the City's maps and the criteria or standards of this chapter, the criteria and standards shall prevail.

**Justification** – Some refinements to the code are needed to further clarify whether or not a critical area exists on a property. Under SMC 20.80.025(A) the city describes resources to determine the existence of a critical area. However, in SMC 20.80.25(B) it leaves it open to the property owner and qualified professional to determine the presence or absence of a critical area. That could be applied and need to be proven for every property in the city. If the City does not have the resources to establish all critical areas for property owners to rely on then we cannot assume there is a critical area unless proven otherwise. The intent is to give the property owner clear steps to assure if they need to continue and comply with the CAO.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #33**

20.80.030 – Exemptions

F. **Active Hazard Trees.** Removal of active or imminent hazardous trees in accordance with SMC 20.50.310 (B)(4)(A)(1);

**Justification** – This amendment is related to amendment #25, amendment #40, and amendment #41. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #34**

20.80.040 (C) Allowed activities.

C. Allowed Activities. The following activities are allowed:

1. Structural modification of, additions to, maintenance, repair, or replacement of legally nonconforming structures consistent with SMC 20.30.280, which do not meet the building setback or buffer requirements for wetlands, fish and wildlife habitat conservation areas, or geologic hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure or area of hardscape lying within the critical area or buffer. Within landslide hazard areas additions that add height to a nonconforming structure may only be allowed with review of a critical area report demonstrating that no increased risk of the hazard will occur. If such modification, alteration, repair, or replacement requires encroachment into a critical area or a critical area buffer to perform the work, then encroachment may be allowed subject to restoration of the area of encroachment to a same or better condition ~~Where nonconforming structures are partially located within critical areas or their buffers, additions are allowed with a critical area report delineating the critical area(s) and required buffers showing that the addition is located entirely outside the critical area or buffer;~~

**Justification** – Chapter 20.80 SMC has a subsection that addresses structural modifications within critical areas. 1. The references to “additions” apply only to the last sentence of C. Additions into a critical area or buffer are not allowed activities unless they are vertical additions. 2. To make allowed modifications there will need to be a margin around the structure to allow construction access to make those modifications. 3. If existing, nonconforming structures are located in a critical area and a proposed addition is entirely outside the critical area then a proposed addition would not require conformance with SMC 20.80.

**Recommendation** – Planning Commission recommends APPROVAL

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**Amendment #35**

20.80.045 Critical areas preapplication meeting.

A. A preapplication meeting, pursuant to SMC 20.30.080, is required prior to submitting an application for development or use of land or prior to starting a development activity or use of the land that may be regulated by the provisions of this chapter unless specifically exempted in SMC 20.80.030.

B. A determination may be provided through the preapplication meeting regarding whether critical area reports are required, and if so what level of detail and what elements may be necessary for the proposed project. An applicant may submit a critical area delineation and classification study prior to the City determining that a full critical area report is required.

This determination does not preclude the Director from requiring additional critical area report information during the review of the project. After a site visit and review of available information for the preapplication meeting, the Director may determine:

**Justification** - Critical area reports are expensive and their recommendations may become, in the final analysis, unnecessary especially for the single family owner. It is the City's responsibility to provide clarity to the property owner. A critical area report for development "adjacent" or "likely to impact" could encompass a huge area. However, it may be needed if an adjoining critical area could be classified to include the proposed development. If it is questionable that critical area report is needed, the City should allow the property owner to first submit a much reduced delineation study and then, if required, supplemental information to fill out a complete critical area report.

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Amendment #36**

##### 20.80.050 Alteration of Critical Areas

In general, critical areas and their buffers shall be maintained in their existing, natural state including undisturbed, native vegetation to maintain the functions, values, resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns including developed areas such as grading, structures, pavement, gardens, and lawns. Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria and standards in this chapter, and compliance with any Federal and/or State permits required. Unless otherwise provided in this chapter, if alteration of the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved critical areas report, so as to result in no overall net loss of critical area functions and values and no increased risk of hazards.

**Justification** – The provisions of this subsection clarify that critical areas shall be maintained in their natural state or current, legal condition. It includes critical areas in their natural state but does not include clarification of what "current condition" means. This is important considering the amount of existing development on relatively small parcels where a critical area may be on the adjacent property and its buffer laps over onto the subject property.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #37**

### **20.80.080 Critical Area Reports – Requirements**

A. **Report Required.** If uses, activities, or developments are proposed within, adjacent to, or are likely to impact critical areas or their buffers, an applicant shall provide site-specific information and analysis in the form of critical area report(s) as required in this chapter. Critical area reports are required in order to identify the presence, extent, and classification/rating of potential critical areas, as well as to analyze, assess, and mitigate the potential adverse impact to or risk from critical areas for a development project. Critical area reports shall use standards for best available science in SMC 20.80.060. Critical area reports for two or more types of critical areas must meet the report requirements for each type of critical area. The expense of preparing the critical area report(s) shall be borne by the applicant. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100.

D. **Critical Area Report Types or Sections.** Critical area reports may be met in stages through multiple reports or combined in one report. A critical area report shall include one or more of the following sections or report types unless exempted by the Director based on the extent of the potential critical area impacts. The scope and location of the proposed project will determine which report(s) alone or combined are sufficient to meet the critical area report requirements for the impacted critical area type(s). The typical sequence of required sections or reports that will fulfill the requirements of this section include:

1. **Reconnaissance.** The existence, general location, and type of critical areas in the vicinity of a project site (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas) of a project site (if allowed by the adjoining property owners). Determination of whether the project will adversely impact or be at risk from the potential critical areas based on maximum potential buffers and possible application of SMC 20.80.220(A)3), .280(D)(7) or SMC .330(G)(10) should be addressed;

**Justification** – Critical areas can be on an adjacent property with the critical area's buffers extending onto the property where development is proposed. Currently under SMC 20.80.080(D)(1) Reconnaissance of adjoining properties within 200-300 feet of the subject property are required to be included in the report. When the buffer area extends onto the property where the development is proposed and does not meet the isolated critical area standards, reconnaissance is restricted if a qualified professional is denied access to the property. This is a problem in a suburban/urban area where lots are smaller and have been previously altered.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #38**

### **20.80.090 Buffer Areas**

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands and consists of ~~Buffers shall consist of~~ an undisturbed area of native vegetation ~~established to achieve the purpose of the buffer. If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved mitigation or restoration plan.~~ Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas.

**Justification** – Buffer areas are required to be an undisturbed area of native vegetation. One purpose of 20.80 is that critical areas are not impacted. The intent is that if there has been a previous buffer code violation where an ideal buffer existed then it should be restored. If a previously legally established use or activity has been in the buffer area, the City does not require restoration. In many cases, buffers are people's yard with gardens and lawn, sheds, and driveways. Limited additional development in these buffers or mitigating damage or alteration to the native vegetation in order to not impact the critical area makes sense. However, to require that they remove all non-native vegetation and yard uses does not. Per 20.80.050, the existing condition of critical areas should be allowed to remain or mitigated if impacted by the proposed development.

**Recommendation** – Planning Commission recommends APPROVAL

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## **Amendment #39**

**20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.**

20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.

E. Wetland Mitigation Ratios<sup>1</sup>.

Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.

Category and Type of Wetland <sup>2</sup>	Creation or Reestablishment (Area – in square feet)	Rehabilitation (Area – in square feet)	Enhancement (Area – in square feet)	Preservation (Area – in square feet)
Category I: Based on total score for functions	4:1	8:1	16:1	20:1
Category I: Mature forested	6:1	12:1	24:1	24:1
Category I: Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
Category II: Based on total score for functions	3:1	6:1	12:1	20:1
Category III (all)	2:1	4:1	8:1	15:1
Category IV (all)	1.5:1	3:1	6:1	10:1
<sup>1</sup> Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a or 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-011a, March 2006, or as revised).  <sup>2</sup> Category and rating of wetland as determined consistent with SMC <u>20.80.320(B)</u> .				

**Justification** - This proposal provides clarification that the unit of measurement for wetland mitigation is area (square feet). For example, if one (1) square foot of wetland is being impacted, then four (4) square feet shall be created or reestablished. Currently no unit of measurement is provided.

**Recommendation** – Planning Commission recommends APPROVAL

#### **Amendment #40**

20.230.200 – Land Disturbing Activity Regulations Policies

#### **B. Land Disturbing Activity Regulations.**

1. All land disturbing activities shall only be allowed in association with a permitted shoreline development.

2. All land disturbing activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Clearing invasive, nonnative shoreline vegetation listed on the King County Noxious Weed List is permitted in the shoreline area with an approved clearing and grading permit provided best management practices are used as recommended by a qualified professional, and native vegetation is promptly reestablished in the disturbed area.

3. Tree and vegetation removal shall be prohibited in required native vegetation conservation areas, except as necessary to restore, mitigate or enhance the native vegetation by approved permit as required in these areas.

4. All significant trees in the native vegetation conservation areas shall be designated as protected trees consistent with SMC 20.50.330 and removal of hazard trees must be consistent with SMC 20.50.310(B)(4)(A)(1).

**Justification** - This amendment is related to amendment #25, amendment #33, and amendment #41. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

**Recommendation** – Planning Commission recommends APPROVAL

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#### **Municipal Code Amendments - Amendment #41**

SMC 13.12.700(C)(3) – Permits

C. Permit Exemptions. Activities that do not meet the definition of “development” in SMC 13.12.105 are allowed in the regulatory floodplain and do not require a floodplain development permit. The following are examples of activities not considered development or “manmade changes to improved or unimproved real estate”:

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;

2. Removal of noxious weeds and replacement of nonnative vegetation with native vegetation provided no earth movement occurs;

2. Removal of hazard trees consistent with the requirements of SMC 20.50.310(B)(4)(A)(1) or SMC 20.80.030(H);

**Justification** - This amendment is related to Amendment #25, Amendment #33, and Amendment #40. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

**Recommendation** – Planning Commission recommends APPROVAL

### **RESOURCE/FINANCIAL IMPACT**

The proposed amendments have no direct financial impact to the City.

### **RECOMMENDATION**

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Ordinance No. 789. Staff recommends adoption of Ordinance No. 789 as recommended by the Commission when this ordinance is brought back for potential adoption on February 26, 2018.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 789

Attachment A, Exhibit A – Proposed Development Code Batch Amendments

**ORDINANCE NO. 789**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, AND SHORELINE MUNICIPAL CODE 13.12.700, REPRESENTING THE 2017 DEVELOPMENT CODE BATCH AMENDMENTS WHICH CLARIFY EXISTING REGULATIONS, PROVIDE FOR BETTER ADMINISTRATION OF THE REGULATIONS, AND REFLECT POLICY MODIFICATIONS TO RESPOND TO THE CHANGING NEEDS OF THE CITY.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, in 2000 the City adopted Shoreline Municipal Code (SMC) Title 20, the Unified Development Code; and

WHEREAS, Title 20 has been amended on several occasions since its original adoption; and

WHEREAS, a nominal amendment is required for SMC 13.12.700, a section of the City's Floodplain Management Code relating to permits, to account for numbering amendments that are part of the 2017 Development Code Batch Amendments; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on August 31, 2017; and

WHEREAS, on September 7, 2017, October 5, 2017, and October 19, 2017, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on November 2, 2017, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted that the proposed Development Code, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on January 22, 2018, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Amendment.** Title 20 of the Shoreline Municipal Code, Unified Development Code, and Shoreline Municipal Code Section 13.12.700, Floodplain Management Permits, is amended as set forth in Exhibit A to this Ordinance.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 26, 2018.**

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Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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Jessica Simulcik-Smith  
City Clerk

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Margaret King  
City Attorney

Date of Publication: , 2018  
Effective Date: , 2018

**SMC Title 20 Development Code and SMC Chapter 13.12 Flood Plain Management  
2017 Batch Amendments**

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**20.20 Amendments**

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**Amendment #1**

**20.20.012 – B Definitions**

Brewpub – An eating establishment that includes the brewing of beer as an accessory use. The brewery shall not produce more than 1,500 barrels of beer or ale per year.

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**Amendment #2**

**20.20.016 – D Definitions**

Dwelling, Apartment – A building containing multiple dwelling units that are usually located above other dwelling units in a multi-unit configuration and/or above commercial spaces. Apartments are not considered single family attached dwellings.

Driveway, Shared – A jointly owned and maintained tract or easement serving up to four dwelling two or more units properties.

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**Amendment #3**

**20.20.018 – E Definitions**

Engineer, City – City Engineer having authorities specified in State law or authorized representative.

Enhancements - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration mitigation projects.

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**Amendment #4**

**20.20.024 – H Definitions**

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50% hardscape and 50% pervious value.

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**Amendment #5**

**20.20.034 – M Definitions**

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. Production is limited to no more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery – A small operation that produces distilled spirits of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for on or off premises are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Mitigation – The action taken to minimize, rectify, reduce, or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from development or use. Avoiding, minimizing, or compensating for adverse impacts, including use of any or all of the following actions listed in descending order of preference:

- ~~A. Avoiding the impact by not taking a certain action or parts of an action;~~
- ~~B. Minimizing the impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~
- ~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer to the conditions existing at the time of initiation of the project;~~
- ~~D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through biological, engineered, or other methods;~~
- ~~E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal;~~
- ~~F. Compensating for the impact by replacing, enhancing or providing substitute critical areas and environments; and~~
- ~~G. Monitoring the hazard or required mitigation and taking appropriate corrective measures when necessary.~~

~~Mitigation for individual actions may include a combination of the above measures.~~

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## 20.30 Amendments

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**Amendment #6****20.30.045 Neighborhood meeting for certain Type A proposals.****20.30.050 Administrative Decision – Type B****20.30.045 Neighborhood meeting for certain Type A proposals.**

A. A neighborhood meeting shall be conducted by the applicant for temporary use permits for transitional encampment proposals.

B. A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones:

~~1. Developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or~~

~~1, 2.~~ Developments requesting departures under the Deep Green Incentive Program, Chapter 20.50 SMC, Subchapter 9.

~~This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements).~~

**20.30.050 Administrative decisions – Type B.**

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision <sup>(1), (2), (3)</sup>	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan <u>(4)</u>	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision <u>(4)</u>	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines	Shoreline Master Program

Action	Notice Requirements: Application and Decision <sup>(1), (2), (3)</sup>	Target Time Limits for Decision	Appeal Authority	Section
			Hearings Board	
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B Actions do not require a neighborhood meeting. A Notice of Development will be sent to adjacent properties.

### **Amendment #7**

#### **20.30.060 Quasi-judicial decisions – Type C.**

**Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions**

Action	Notice Requirements for Application and Decision <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
<b>Type C:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330

Action	Notice Requirements for Application and Decision <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	<b>20.40.5025</b>
8. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.353

**Amendment #8****20.30.400 Lot line adjustment – Type A action.****20.30.400 Lot line adjustment and lot merger – Type A action.**

A. Lot line adjustment and lot merger ~~are~~ is exempt from subdivision review. All proposals for lot line adjustment and lot merger shall be submitted to the Director for approval. The Director shall not approve the proposed lot line adjustment or lot merger if the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;
2. Would otherwise result in a lot which is in violation of any requirement of the Code.

B. Expiration. An application for a lot line adjustment and lot merger shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

**Amendment #9****20.30.430 Site development permit for required subdivision improvements – Type A action.**

Engineering plans for improvements required as a condition of preliminary approval of a subdivision shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. A separate Site Development Permit is not required if a Site Development Permit was reviewed and approved through a building permit. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165.

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**20.40 Amendments**


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**Amendment #10****Subchapter 3. Index of Supplemental Use Criteria****20.40.5025 Secure community transitional facility.****Amendment #11****20.40.130 Nonresidential uses.****Table 20.40.130**

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	<u>Brewpub</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Microdistillery</u>						<u>P</u>	<u>P</u>	<u>P</u>
	<u>Microbrewery</u>						<u>P</u>	<u>P</u>	<u>P</u>

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**Amendment #12****20.40.160 Station area uses.**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>COMMERCIAL</b>				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	<b><u>Brewpub</u></b>	<b><u>P (Adjacent to Arterial Street)</u></b>	<b><u>P (Adjacent to Arterial Street)</u></b>	<b><u>P</u></b>
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	<b><u>Microbrewery</u></b>		<b><u>P (Adjacent to Arterial Street, cannot abut R-6 zone)</u></b>	<b><u>P</u></b>

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	<b><u>Microdistillery</u></b>		<b><u>P (Adjacent to Arterial Street, cannot abut R-6 zone)</u></b>	<b><u>P</u></b>
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
<p>P = Permitted Use <span style="float: right;">C = Conditional Use</span></p> <p>S = Special Use <span style="float: right;">-i = Indexed Supplemental Criteria</span></p> <p>A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.</p>				

**Amendment #13****20.40.210 Accessory dwelling units.**

- A. Only one accessory dwelling unit per lot, not subject to base density calculations.
- B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.
- C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.

Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.

D. Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

Exception to SMC 20.40.210(D): An accessory dwelling unit interior to the residence may be larger than 50 percent of the primary residence where the unit is located on a separate floor and shares a common roof with the primary residence.

E. One additional off-street parking space shall be provided for the accessory dwelling unit.

F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

G. Accessory dwelling unit shall comply with all applicable codes and standards. Dwelling units that replace existing accessory structures must meet current setback standards.

H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated.

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#### **Amendment #14**

#### **20.40.235 Affordable housing, light rail station subareas.**

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

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

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

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

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3)(4)	Height may be increased above 70 ft.; <u>no density limits; and</u> may be eligible for: 12-year property tax exemption (PTE) <u>upon designation authorization by City Council pursuant to RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>and no density limits.</del>	<u>Entitlement of 70 ft. height; no density limits; and</u> <del>may be</del> eligible for 12-year property tax exemption (PTE) <u>upon designation authorization by City Council pursuant to RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3 and</u> <del>entitlement of 70 ft. height and no density limits.</del>	<u>Entitlement of 45 ft. height; no density limits; and</u> <del>may be</del> eligible for 12-year property tax exemption (PTE) and <u>permit fee reduction upon designation authorization by City Council pursuant to RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3</u> <del>entitlement of 45 ft. height and no density limits.</del>	<u>No density limits; and</u> <del>may be</del> eligible for 12-year property tax exemption (PTE) and <u>permit fee reduction upon designation authorization by City Council pursuant to RCW 84.14 and SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3 and</u> <del>no density limits.</del>
Studio, 1 bedroom (3)(4)	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
2+ bedrooms <u>(3)(4)</u>	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

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

~~3. Catalyst Program. The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption (PTE) upon designation by the City Council pursuant to RCW 84.14 and SMC 3.27 with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits at a rate of one TDR credit for every four units constructed upon authorization of a TDR program by City Council.~~

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

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60% or less of the King County Area Median Income.

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## **Amendment #15**

### **20.40.438 Light rail transit system/facility.<sup>1</sup>**

#### **F. Project and Permitting Processes Light Rail System/Facility.**

##### **1. Accelerated Project and Permitting Process.**

a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed accelerated project and permitting staffing agreement between the City and the project proponent.

- b. The fees for permit processing will be determined as part of the accelerated project permitting staffing agreement.
  - c. An accelerated project and permitting staffing agreement shall be executed prior to the applicant's submittal of the special use permit application; or the applicant may choose to utilize the City's standard project and permitting processes set forth in subsection (F)(2) of this section.
2. Standard Project and Permit Process.
- a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.
  - b. Cost. Permit fees will be charged in accordance with Chapter 3.01 SMC SMC 3.01.040. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.
  - c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an accelerated project permitting staffing agreement, the target time limits for decisions denoted in Chapter 20.30 SMC may be extended by the Director if adequate staffing is not available to meet demand.

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**Amendment #16**

**20.40.505 Secure community transitional facility.**

20.40.505~~2~~ Secure community transitional facility.

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**Amendment #17**

**20.40.504 Self-storage facility.**

- A. Location of Self-Storage Facilities.
- 1. Self-storage facilities shall not be permitted on property located on a corner on an arterial street. For the purposes of this criterion, corners are defined as all private property adjacent to two or more intersecting arterial streets for a minimum distance of 200 feet in length by a width of 200 feet as measured from the property lines that face the arterials.
  - 2. Self-storage facilities shall not be permitted in the Aurora Square Community Renewal Area.
  - 3. In the Community Business zone, self-storage facilities are allowed adjacent to Ballinger Way NE, 19th Ave NE and Bothell Way NE only.
- B. Restrictions on Use of Self-Storage Facilities.

1. The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in storage. Storage units shall not be used for activities such as: residences, offices, workshops, studios, hobby or rehearsal areas.

Self-storage units shall not be used for:

- a. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity is prohibited.
  - b. Conducting garage or estate sales is prohibited. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.
  - c. Storage of flammable, perishable or hazardous materials or the keeping of animals is prohibited.
2. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.

C. Additional Design Requirements.

- 1. Self-storage facilities are permitted only within multistory structures.
- 2. Self-storage facilities shall not exceed 130,000 square feet.
- 3. All storage units shall gain access from the interior of the building(s) or site – no unit doors may face the street or be visible from off the property.
- 4. Loading docks, entrances or bays shall be screened with screens, fences, walls, or evergreen landscaping from adjacent right-of-ways.
- 5. If a Fences or and walls around and including entry is proposed then they shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are preferred. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks are prohibited. Fences or walls are not allowed between the main or front building on the site and the street. Landscape areas required by the design guidelines or elsewhere in this code shall not be fenced.
- 6. Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 20 percent glass. All other building elevations shall include windows (or translucent cladding materials that closely resemble windows) such that not less than seven and one-half percent of said elevations provide either transparency or the illusion of transparency when viewed from the abutting street or property.
- 7. Unfaced concrete block, painted masonry, tilt-up and precast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.
- 8. Exterior colors, including any internal corridors or doors visible through windows, shall be muted tones.

9. Prohibited cladding materials include: ~~(a)~~ unbacked, noncomposite sheet metal products that can easily dent; ~~(b)~~ smooth face CMUs that are painted or unfinished; ~~(c)~~ plastic or vinyl siding; and ~~(d)~~ unfinished wood.

10. Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping the fixtures for other purposes.

11. Self-storage facilities are required to be Leadership in Energy and Environmental Design (LEED) certified.

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### **20.50 Amendments**

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#### **Amendment #18**

#### **20.50.020(1) and (2) – Densities and Dimensions in MUR Zones**

Table 20.50.020(1)

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

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

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

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

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

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <del>20</del> <u>22</u> ft if located on 145th Street (14)	15 ft if located on 185th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street <del>20</del> <u>22</u> ft if located on 145th Street (14)	15 ft if located on 185th Street (14) <del>20</del> <u>22</u> ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12) (15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

*(1) Repealed by Ord. 462.*

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

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

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

- (5) *For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.*
- (6) *The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.*
- (7) *The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.*
- (8) *For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.*
- (9) *Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.*
- (10) *Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.*
- (11) *The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.*
- (12) *All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.*
- (13) *The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.*
- (14) (14) *The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10<sup>th</sup> Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*
- (15) *Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.*

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

#### **Amendment #19**

#### **20.50.020(3) – Dimensional requirements.**

**Table 20.50.020(3) – Dimensions for Development in Commercial Zones**

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

<b>Commercial Zones</b>				
<b>STANDARDS</b>	<b>Neighborhood Business (NB)</b>	<b>Community Business (CB)</b>	<b>Mixed Business (MB)</b>	<b>Town Center (TC-1, 2 &amp; 3)</b>
Min. Front Yard Setback (Street) (1) (2) <u>(5)</u> : (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the <u>MUR-70' Zone</u>	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, <u>MUR-35'</u> , and <u>MUR-45' Zones</u>	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	<u>70</u> -65 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

**Exceptions to Table 20.50.020(3):**

- (1) *Front yards may be used for outdoor display of vehicles to be sold or leased.*
- (2) *Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.*
- (3) *The following structures may be erected above the height limits in all commercial zones:*
  - a. *Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC 20.40.600) are not included in this exception.*

- b. Parapets, firewalls, and railings shall be limited to four feet in height.
  - c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
  - d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.
  - e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.
  - (4) Site hardscape shall not include the following:
    - a. Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.
    - b. Intensive vegetative roofing systems.
  - (5) The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.
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## **Amendment #20**

### **20.50.021 – Transition Areas**

Development in commercial zones NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

- A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.
  - B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.
  - C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.
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**Amendment #21**

**20.50.040 Setbacks – Designation and measurement.**

I. Projections into Setback.

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:

a. Gutters;

b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or

c. On-site drainage systems.

d. Where allowed by the International Building Code and International Fire Code minimum fire separation distance requirements, required yard setback distance from adjacent property lines may be decreased by a maximum of four inches for the sole purpose of adding insulation to the exterior of the existing building structural frame. Existing buildings not conforming to development standards shall not extend into required yard setback more than what would be allowed for a conforming structure under this exception.

e. Rain barrels, cisterns and other rainwater catchment systems may extend into a required yard setback according to the following:

i. Cisterns, rain barrels or other rainwater catchment systems no greater than 600 gallons shall be allowed to encroach into a required yard setback if each cistern is less than four feet wide and less than four and one-half feet tall excluding piping.

ii. Cisterns or rainwater catchment systems larger than 600 gallons may be permitted in required yard setbacks provided that they do not exceed 10 percent coverage in any required yard setback, and they are not located closer than two and one-half feet from a side or rear lot line, or 15 feet from the front lot line. If located in a front yard setback, materials and design must be compatible with the architectural style of the building which it serves, or otherwise adequately screened, as determined by the Director.

iii. Cisterns may not impede requirements for lighting, open space, fire protection or egress.

2. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into required setbacks, except into any five-foot yard required setback ~~a side yard setback that is less than seven feet~~, provided such projections are:

a. Limited to two per facade;

b. Not wider than 10 feet;

c. Not more than 24 inches into a side yard setback ~~(which is greater than seven feet)~~; or

d. Not more than 30 inches into a front and rear yard setback.

1. Eaves shall not project ~~more than~~:

a. ~~Eighteen inches~~ Into a required five-foot setback, ~~and shall not project at all into a five-foot setback;~~

b. More than thirty-six inches into front and rear yard required setbacks.

Exception SMC 20.50.040(l)(3): When adjoining a legal, non-conforming eave, a new eave may project up to 20% into the required setback or may match the extent of the legal, non-conforming eave, whichever is lesser.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project five feet into the required front, rear and side yard setbacks but not within five feet of a property line.

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback, but shall not be allowed into any five-foot yard setback.

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

8. Arbors are allowed in required yard setbacks if they meet the following provisions:

a. No more than a 40-square-foot footprint, including eaves;

b. A maximum height of eight feet;

c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.

9. No projections are allowed into a regional utility corridor.

10. No projections are allowed into an access easement.

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**Amendment #22**

**20.50.100 Location of accessory structures within required yard setbacks – Standards.**

A. No accessory structure shall be located within any required setback.

B. Prohibited Structures. Shipping Containers are prohibited within any parcel.

*Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and 200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the*

*required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.*

*Exception 20.50.100(2): If the accessory structure, which is less than 200 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.*

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**Amendment #23**

**20.50.150 Storage space for the collection of trash, recyclables, and compost – Standards.**

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.

D. Shipping Containers are not allowed.

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**Amendment #24**

**20.50.240 (C) Site Frontage**

C. Site Frontage.

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

a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;

c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

- f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
- g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;
- h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;
- i. New development in MUR zones on 185th Street, ~~and NE~~ 145th Street, and 5th Avenue ~~NE~~ between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide ~~alternative access from the adjacent right-of-way through the administrative design review process~~; and
- j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

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## **Amendment #25**

### **20.50.310 Exemptions from permit**

**A. Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

- ~~1. Emergency situation on private property involving danger to life or property or substantial fire hazards.~~
- a. ~~**Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.~~
- b. ~~For purposes of this section, "Director" means the Director of the Department and his or her designee.~~
- c. ~~In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are~~

~~uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.~~

1. ~~2.~~ Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. ~~3.~~ Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally critical areas.

3. ~~4.~~ Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

4. ~~5.~~ Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and MUR-70' unless within a critical area or ~~of~~ critical area buffer.

5. ~~6.~~ Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC 20.80.030(E) or removal of trees consistent with SMC 20.80.030(G) unless a permit is specifically noted under SMC 20.80.030(E).

**B. Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).

**Table 20.50.310(B)(1) – Exempt Trees**

<b>Lot size in square feet</b>	<b>Number of trees</b>
Up to 7,200	3
7,201 to 14,400	4
14,401 to 21,780	5
21,781 and above	6

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).

3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.
4. Emergency tree removal on private property. A tree may be removed in whole or part if it is creating an active and imminent hazard to life and/or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, so as to require immediate action within a time too short to allow full compliance with this chapter. After removal, the property owner shall provide the City with photographic or other types of evidence to demonstrate the hazard and the need for emergency removal. If upon review of this evidence the City determines that emergency removal was not warranted, then the property owner will be required to obtain the necessary permits and mitigate for the tree removal as set forth in this chapter.

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**Amendment #26**

**Exception 20.50.350(B)**

*Exception 20.50.350(B):*

1. *The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist and approved by the City that retention of the minimum percentage of trees is not advisable on an individual site; or*

2. *The Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:*

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

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

4. *In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees*

*replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.*

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**Amendment #28**

**20.50.410(F) Parking Design Standards**

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director's determinations for parking angles not shown in Table 20.50.410F, parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design. Structural columns or permanent structures can only encroach into a parking stall 6-inches the first four feet and the last four feet of the parking stall.

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**Amendment #29**

**20.50.470 Street frontage landscaping**

SMC 20.50.470 Street frontage landscaping for parking lots.

A. Provide a five-foot-wide, Type II landscaping that incorporates a continuous masonry wall between three and four feet in height. The landscape shall be located between the public sidewalk or residential units and the wall; or

B. Provide at least 10-foot-wide, Type II landscaping.

C. All parking lots shall be separated from ground-level, residential development by the required setback and planted with Type I landscaping.

D. Vehicle Display Areas Landscaping. Shall be determined by the Director through administrative design review under SMC 20.30.297. Subject to the Director's discretion to reduce or vary the depth, landscaped areas shall be at least 10 feet deep relative to the front property line. Vehicle display areas shall be framed by appropriate landscape materials along the front property line. While allowing the vehicles on display to remain plainly visible from the public rights-of-way, these materials shall be configured to create a clear visual break between the hardscape in the public rights-of-way and the hardscape of the vehicle display area. Appropriate landscape construction materials shall include any combination of low (three feet or less in height) walls or earthen berms with ground cover, shrubs, trees, trellises, or arbors.

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**Amendment #30****20.50.490 Landscaping along interior lot line – Standards.**

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development of ~~more than four units~~ shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback.

C. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

D. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

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**20.70 Amendment**


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**Amendment #31****20.70.440 – Access (New Subchapter)**Subchapter 6. Access Standards20.70.440 Purpose.20.70.450 Access Widths.20.70.440 Purpose.

The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. Access widths are described and defined in the Engineering Development Manual.

20.70.450 Access widthsA. Table 20.70.450 – Access Widths

<u>Dwelling Type and Number</u>	<u>Engineering Development Manual Access Types and Width</u>
<u>1 unit</u>	<u>Residential</u>
<u>2-4 units</u>	<u>Shared</u>
<u>5 or more units</u>	<u>Multifamily</u>

<u>Commercial, Public Facility</u>	<u>Commercial</u>
<u>Circular</u>	<u>Per Criteria in EDM</u>
<u>5 or more units without adjacent development potential</u>	<u>Private Street</u>

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## 20.80 Amendments

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### **Amendment #32**

#### **20.80.025(A) and (B) Critical area maps**

A. The approximate location and extent of identified critical areas within the City's planning area are shown on the critical areas maps adopted as part of this chapter, including but not limited to the maps identified in SMC 20.80.222, 20.80.272 and 20.80.322. These maps shall be used for informational purposes as a general guide only for the assistance of ~~only to assist~~ property owners and other interested parties. Boundaries and locations indicated on the maps are generalized. Critical areas and their buffers may occur within the City, which have not previously been mapped. A site inspection by staff or an applicant's Critical Area Worksheet may also indicate the presence of a critical area.

B. Based on an indicated critical area in subsection A, the actual presence or absence, ~~a type, extent, boundaries, delineation~~ and classification of critical areas shall be identified in the field by a qualified professional, and confirmed ~~determined~~ by the City, according to the procedures, definitions and criteria established by SMC 20.80.080(D)(1 and 2). In the event of any conflict between the critical area location and designation shown on the City's maps and the criteria or standards of this chapter, the criteria and standards shall prevail.

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### **Amendment #33**

#### **20.80.030 – Exemptions**

F. **Active Hazard Trees.** Removal of active or imminent hazardous trees in accordance with SMC 20.50.310 (B)(4)(A)(1);

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### **Amendment #34**

#### **20.80.040 (C) Allowed activities.**

C. Allowed Activities. The following activities are allowed:

1. Structural modification of, additions to, maintenance, repair, or replacement of legally nonconforming structures consistent with SMC 20.30.280, which do not meet the building setback or buffer requirements for wetlands, fish and wildlife habitat conservation areas, or geologic hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure or area of hardscape lying within the critical area or buffer. Within landslide hazard areas additions that add height to a nonconforming structure may only be allowed with review of a critical area report demonstrating that no increased risk of the hazard will occur. If such modification, alteration, repair, or replacement requires encroachment into a critical area or a critical area buffer to perform the work, then encroachment may be allowed subject to restoration of the area of encroachment to a same or better condition ~~Where nonconforming structures are partially located within critical areas or their buffers, additions are allowed with a critical area report delineating the critical area(s) and required buffers showing that the addition is located entirely outside the critical area or buffer;~~

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#### **Amendment #35**

##### **20.80.045 Critical areas preapplication meeting.**

A. A preapplication meeting, pursuant to SMC 20.30.080, is required prior to submitting an application for development or use of land or prior to starting a development activity or use of the land that may be regulated by the provisions of this chapter unless specifically exempted in SMC 20.80.030.

B. A determination may be provided through the preapplication meeting regarding whether critical area reports are required, and if so what level of detail and what elements may be necessary for the proposed project. An applicant may submit a critical area delineation and classification study prior to the City determining that a full critical area report is required.

This determination does not preclude the Director from requiring additional critical area report information during the review of the project. After a site visit and review of available information for the preapplication meeting, the Director may determine:

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#### **Amendment #36**

##### **20.80.050 Alteration of Critical Areas**

In general, critical areas and their buffers shall be maintained in their existing, natural state including undisturbed, native vegetation to maintain the functions, values, resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns including developed areas such as grading, structures, pavement, gardens, and lawns. Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria and standards in this chapter, and compliance with any Federal and/or State permits required. Unless otherwise provided in this chapter, if alteration of the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or

alteration shall be mitigated using the best available science in accordance with an approved critical areas report, so as to result in no overall net loss of critical area functions and values and no increased risk of hazards.

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### **Amendment #37**

#### **20.80.080 Critical Area Reports – Requirements**

A. Report Required. If uses, activities, or developments are proposed within, adjacent to, or are likely to impact critical areas or their buffers, an applicant shall provide site-specific information and analysis in the form of critical area report(s) as required in this chapter. Critical area reports are required in order to identify the presence, extent, and classification/rating of potential critical areas, as well as to analyze, assess, and mitigate the potential adverse impact to or risk from critical areas for a development project. Critical area reports shall use standards for best available science in SMC 20.80.060. Critical area reports for two or more types of critical areas must meet the report requirements for each type of critical area. The expense of preparing the critical area report(s) shall be borne by the applicant. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100.

D. Critical Area Report Types or Sections. Critical area reports may be met in stages through multiple reports or combined in one report. A critical area report shall include one or more of the following sections or report types unless exempted by the Director based on the extent of the potential critical area impacts. The scope and location of the proposed project will determine which report(s) alone or combined are sufficient to meet the critical area report requirements for the impacted critical area type(s). The typical sequence of required sections or reports that will fulfill the requirements of this section include:

1. Reconnaissance. The existence, general location, and type of critical areas in the vicinity of a project site (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas) of a project site (if allowed by the adjoining property owners). Determination of whether the project will adversely impact or be at risk from the potential critical areas based on maximum potential buffers and possible application of SMC 20.80.220(A)3), .280(D)(7) or SMC .330(G)(10) should be addressed;

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### **Amendment #38**

#### **20.80.090 Buffer Areas**

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function,

value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands and consists of ~~Buffers shall consist of~~ an undisturbed area of native vegetation ~~established to achieve the purpose of the buffer. If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved mitigation or restoration plan.~~ Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas.

### **Amendment #39**

#### **20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.**

##### **E. Wetland Mitigation Ratios<sup>1</sup>.**

**Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.**

<b>Category and Type of Wetland<sup>2</sup></b>	<b>Creation or Reestablishment (Area – in square feet)</b>	<b>Rehabilitation (Area – in square feet)</b>	<b>Enhancement (Area – in square feet)</b>	<b>Preservation (Area – in square feet)</b>
Category I: Based on total score for functions	4:1	8:1	16:1	20:1
Category I: Mature forested	6:1	12:1	24:1	24:1
Category I: Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
Category II: Based on total score for functions	3:1	6:1	12:1	20:1
Category III (all)	2:1	4:1	8:1	15:1

**Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.**

<b>Category and Type of Wetland<sup>2</sup></b>	<b>Creation or Reestablishment (Area – in square feet)</b>	<b>Rehabilitation (Area – in square feet)</b>	<b>Enhancement (Area – in square feet)</b>	<b>Preservation (Area – in square feet)</b>
Category IV (all)	1.5:1	3:1	6:1	10:1
<p><sup>1</sup> Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a or 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-011a, March 2006, or as revised).</p> <p><sup>2</sup> Category and rating of wetland as determined consistent with SMC <u>20.80.320(B)</u>.</p>				

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### **20.230 Amendments**

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#### **Amendment #40**

#### **20.230.200 – Land Disturbing Activity Regulations Policies**

##### **B. Land Disturbing Activity Regulations.**

1. All land disturbing activities shall only be allowed in association with a permitted shoreline development.
2. All land disturbing activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Clearing invasive, nonnative shoreline vegetation listed on the King County Noxious Weed List is permitted in the shoreline area with an approved clearing and grading permit provided best management practices are used as recommended by a qualified professional, and native vegetation is promptly reestablished in the disturbed area.
3. Tree and vegetation removal shall be prohibited in required native vegetation conservation areas, except as necessary to restore, mitigate or enhance the native vegetation by approved permit as required in these areas.

4. All significant trees in the native vegetation conservation areas shall be designated as protected trees consistent with SMC 20.50.330 and removal of hazard trees must be consistent with SMC 20.50.310(B)(4)(A)(1).

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### SMC Title 13 Amendment

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#### **Amendment #41**

#### **SMC 13.12.700(C)(3) – Permits**

C. Permit Exemptions. Activities that do not meet the definition of “development” in SMC 13.12.105 are allowed in the regulatory floodplain and do not require a floodplain development permit. The following are examples of activities not considered development or “manmade changes to improved or unimproved real estate”:

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
2. Removal of noxious weeds and replacement of nonnative vegetation with native vegetation provided no earth movement occurs;
3. Removal of hazard trees consistent with the requirements of SMC 20.50.310(B)(4) ~~(A)(1)~~ or SMC 20.80.030(H);