

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance 559, Amending Level of Service Standards
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Steve Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:

Policy T-13 of the Comprehensive Plan directs the City to adopt a Level of Service (LOS) "E" at signalized intersections on Arterial Streets. The regulation in the City's Development Code conflicts with this policy. To achieve consistency between the Comprehensive Plan and the Development Code, a change to the Development Code is necessary. At the October 12 meeting the staff will review the proposed code amendment and the Planning Commission's unanimous recommendation that it be approved.

FINANCIAL IMPACT:

Implementation of this change will not financially impact the City.

RECOMMENDATION

The Planning Commission recommends that this Development Code Amendment be approved.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

At the October 12 meeting, the Council will consider adoption of the Planning Commission's recommendation to modify the Development Code on Level of Service standards to support policy T-13 in the Comprehensive Plan.

BACKGROUND

The Growth Management Act allows each local jurisdiction to choose a Level of Service (LOS) method and standards. Level of Service is a quantitative measure used to measure the performance of the City's transportation system. Shoreline's LOS generally describes levels of traffic congestion at signalized and unsignalized intersections in an urban area. The level of service standard is one of the cornerstones of Shoreline's Transportation Element. Two important criteria to be applied for selecting a LOS methodology are 1) whether it is easy to for the public to understand and for the staff to administer and 2) whether it is technically/legally proven.

Prior to the adoption of the City's 2005 Transportation Master Plan (TMP), the City used an "areawide intersection averaging" method to determine the Level of Service. When the TMP was adopted, the City determined that a different standard was appropriate, concluding that the problem with the previous LOS approach of the area-wide intersection averaging method was that the public as well as the policy makers did not gain a clear understanding of the implications of averaged LOS findings. As the result, it would be difficult to establish effective policies to address the issue of transportation concurrency in the city. In the Plan, the City adopted LOS E to best balance levels of congestion, the cost of added capacity and the need to minimize diversion of traffic onto neighborhood streets.

Transportation Policy T13 states the LOS method and standard:

Adopt LOS E at the signalized intersections on the arterials within the City as the level of service standards for evaluating planning level concurrency and reviewing traffic impacts of developments, excluding the Highways of Statewide Significance (Aurora Avenue N and Ballinger Way NE). The level of service shall be calculated with the delay method described in the Transportation Research Board's Highway Capacity Manual 2000 or its updated versions.

When the City Council adopted the 2005 Comprehensive Plan update, the City failed to update Development Code Section 20.60.140 which still makes reference to the archaic volume to capacity ratio methodology for calculating level of service. The proposed Development Code change described below will correct this oversight and make our Code consistent with the recently adopted 2005 TMP update.

The Planning Commission reviewed the Development Code Amendment at a study session on August 6 and made a recommendation of approval (7-0, Commissioners Pyle and Wagner absent) to the City Council following its September 3, 2009 public hearing.

CRITERIA FOR EVALUATING PROPOSAL

The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

PLANNING COMMISSION CONCLUSION

The amendment is in accordance with the three decision criteria in SMC 20.30.350 for the following reasons:

- The current language in 20.60.140 is inconsistent with the 2005 Transportation Master Plan and Comprehensive Plan Policy T-13 that was adopted by Council on June 13, 2005.
- Through the SEPA process for the 2005 Comprehensive Plan update, the City determined that Policy T13 would not have an adverse effect on public health, safety, or general welfare. Since the regulation is the direct implementation of the policy, the regulation will not have an adverse impact either.
- Having regulations that conflict with the City's Plan will cause delay and unpredictability in the permitting process. It is in the interest of the citizens and property owners of Shoreline to have regulations that are consistent with the City's most recent policies.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission, at its September 3 meeting, concluded that this proposal merits approval because it meets the criteria listed in 20.30.350.

RECOMMENDATION

The Planning Commission recommends that this Development Code Amendment be approved.

ATTACHMENTS

1. Proposed Ordinance 559 modifying 20.60.140
2. SMC 20.60.140 Changes in Legislative Format
3. Excerpts from Planning Commission minutes, August 6 and September 3, 2009.

ORDINANCE NO. 559

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON, AMENDING SMC 20.60.140**

WHEREAS, the City Council updated the Comprehensive Plan and Traffic Master Plan in June 2005; and

WHEREAS, the Comprehensive Plan and Traffic Master Plan directs the City to adopt LOS E at all signalized intersections on arterial streets; and

WHEREAS, the Development Code directly conflicts with the City's Comprehensive Plan policy by using an areawide averaging system for measuring traffic impacts; and

WHEREAS, the Planning Commission recommended approval of the development code amendment as detailed below at their September 3, 2009 meeting;

WHEREAS, a Determination of Non Significance was issued for this proposed ordinance on September 21, 2009; now therefore,

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

Section 1. Amendment. SMC 20.60.140 is amended as follows:

20.60.140 Adequate streets.

The intent of this subchapter is to ensure that public streets maintain an adequate Level of Service (LOS) as new development occurs. The level of service standard that the City has selected is a LOS E standard at signalized intersections on Arterial Streets, zonal-average system, which is the basis for measuring concurrency. ~~The City has been divided into five geographical areas, and LOS Standards are adopted for each zone. The zones are described in the following Table:~~

LOS Zone	Zone Name	Adopted LOS Standard
1	West of Aurora Corridor	D
2	Aurora Corridor to I-5	D
3	I-5 to East City Limits	D
4	Aurora Avenue Corridor	E

5	Annexation Area A	E
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Note: A map of the LOS Zones is located in the Transportation Element of the Shoreline Comprehensive Plan.

A. Development Proposal Requirements. All new proposals for development that would generate 20 or more trips during the p.m. peak hour must submit a traffic study at the time of application. The estimate of the number of trips a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. The traffic study shall include at a minimum:

1. An analysis of origin/destination trip distribution proposed;
2. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and
3. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the zonal LOS standard.

B. Development Approval Conditions. A development proposal that will have a direct traffic impact on a roadway or intersection that exceeds the adopted LOS standard for the zone shall not be approved unless:

1. The applicant agrees to fund improvements needed to attain the LOS standard;
2. The applicant achieves the LOS Standard by phasing the project or using transportation demand management (TDM) techniques to reduce the number of peak hour trips generated by the project;
3. The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the City of Shoreline. (Ord. 238 Ch. VI § 4(A), 2000).

Section 3. Publication; Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON , 2009

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: , 2009
Effective date: , 2009

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

August 6, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Hall
Vice Chair Wagner
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Kuboi
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

STAFF REPORTS

Study Session: Change to Transportation Level of Service (LOS) Standards

Mr. Szafran recalled that when the City Council adopted the 2005 Comprehensive Plan Update, which included the Transportation Master Plan Update, they did not update Development Code Section 20.60.140. The proposed Development Code amendment would correct the oversight and make the Development Code consistent with the more recently adopted Comprehensive Plan as required by the Growth Management Act (GMA). He advised that the proposed language was taken directly out of the Comprehensive Plan.

Commissioner Kaje questioned why the amendment must be considered now when the City is already in the process of updating their Transportation Master Plan. Mr. Tovar answered that while a lot of work is currently taking place, the Transportation Master Plan would not come before the Commission until at least the 2nd quarter of 2010. In the meantime, it is important to address this inconsistency.

Commissioner Piro observed that the proposed amendment appears to be a housekeeping item that he would support. He noted that new issues have come up since the Commission last worked on the Transportation Master Plan and the LOS issues, including new directives in the GMA to take a multi-modal approach, and regional policies calling for local jurisdictions to develop LOS standards that focus

on the movement of people rather than the movement of vehicles. While it is appropriate to consider the proposed amendment now to make the Development Code consistent with the Comprehensive Plan, it is also important to keep in mind that they must evolve their treatment of LOS Standards to address the new directives. He observed that the City already has good transportation goals and policies that focus on reducing the number of single-occupancy vehicles, and it would make sense if the concurrency program and LOS Standards provided reinforcement.

Commissioner Kaje referred to Transportation Policy T-13, which talks about Aurora Avenue and Ballinger Way being excluded from the concurrency requirements because they are State Highways. He questioned if arterials that cross these two highways would also be excluded, as well. Mr. Tovar explained that a State statute exempts State highways from the requirements of concurrency, but the City still has the ability to discuss LOS Standards and concurrency as it relates to intersecting arterial streets.

Chair Hall observed that the City would benefit by moving their policies along towards moving people instead of vehicles more efficiently. However, it makes perfect sense to amend the Development Code now to make it consistent with the Comprehensive Plan. The Commission agreed to move the proposed amendment, as drafted, forward to a public hearing.

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 3, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Hall
Commissioner Behrens (arrived at 7:04)
Commissioner Broili
Commissioner Kaje
Commissioner Kuboi
Commissioner Perkowski
Commissioner Piro (arrived at 7:02)

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Associate Planner, Planning & Development Services
Brian Lee, Associate Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Vice Chair Wagner
Commissioner Pyle

LEGISLATIVE PUBLIC HEARING ON CHANGE TO TRANSPORTATION LEVEL OF SERVICE (LOS) STANDARDS

Chair Hall reviewed the rules and procedures for the public hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn recalled that the purpose of the proposed amendment is to change the Development Code to make it consistent with the Comprehensive Plan. He reviewed that the Growth Management Act (GMA) allows each jurisdiction to choose a Level of Service (LOS) method and standard, which the City did in 2005 with the adoption of the Transportation Master Plan. The City adopted LOS E at intersections as the best way to balance the level of congestion and the cost of added capacity. On a site-by-site basis, this methodology was more stringent than the previous methodology (area-wide averaging).

Mr. Cohn recalled that at the Commission's August 6th study session, a Commissioner questioned why the amendment was going forward now when the City is in the process of updating its Transportation Master Plan. The question was also asked in an email from Ms. Kellogg. Staff's response is that the Development Code must be changed to remove the conflict and inconsistency as required by the Revised Code of Washington (RCW). It also makes sense and is consistent with how transportation experts read codes and conduct analysis.

Mr. Cohn reviewed that the amendment was initiated in June, and the Commission conducted a study session in August. A notice of application was posted and advertised on August 19th, and the City has not received any comments on the SEPA Determination. They anticipate issuing a Determination of Non-Significance next week. He referred to the criteria (Section 20.30.350) the Commission must consider when evaluating Development Code amendments and reviewed each one as follows:

- **The amendment is in accordance with the Comprehensive Plan.** The purpose of the amendment is to ensure the Development Code is consistent with the Comprehensive Plan.
- **The amendment will not adversely affect the public health, safety or general welfare.** Since the regulation is an implementation of the policy, it would not have an adverse impact because the policy itself was reviewed in 2005.
- **The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.** Having regulations that conflict with the City's plan could cause confusion and unpredictability in the permitting process. It is in the best interest of the citizens and property owners of Shoreline to have regulations that are consistent with the most recent City policies.

Mr. Cohn advised that staff has concluded the proposed amendment merits approval because it meets the criteria. Staff recommends the Commission forward a recommendation of approval to the City Council.

Questions by Commission to Staff

Commissioner Kaje questioned how staff currently applies the LOS standards when applications are submitted. Mr. Cohn said the Transportation Department has been implementing the policy (Intersection LOS) in the Comprehensive Plan rather than applying the code language, which calls for intersection averaging.

Commissioner Kaje asked staff to share information with the public regarding the various levels of LOS Standards. Mr. Cohn explained that LOS E is not failure, but it would be more delay at intersections than LOS C or D would be. Chair Hall summarized that the general measure is the amount of delay experienced at intersections. The discussion is whether they regulate based on specific, single intersections or an average of intersections. Commissioner Behrens clarified that LOS F is the lowest standard, which represents failure. Therefore, the proposal would establish the City's LOS level at only one level above unacceptable.

Public Testimony

No one in the audience expressed a desire to participate in the public hearing.

Final Questions by the Commission

None of the Commissioners raised additional questions during this portion of the hearing.

Closure of Public Hearing

The public hearing was closed.

Deliberations

COMMISSIONER PIRO MOVED THE COMMISSION ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE PROPOSED DEVELOPMENT CODE AMENDMENT TO CHANGE THE TRANSPORTATION LEVEL OF SERVICE STANDARD AND FORWARD IT TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER KUBOI SECONDED THE MOTION.

Commissioner Piro commended staff for doing an excellent job of explaining that the proposal is basically a housekeeping amendment. He reminded the Commission that State law requires the City to have a development code that is consistent with their Comprehensive Plan. The proposed amendment would achieve that requirement. He recalled the Commission had an earlier discussion about how methods for measuring LOS and addressing transportation issues are evolving. They talked about their desire to move towards a more multi-modal approach that focuses on the movement of people rather than vehicles. He suggested this discussion also be forwarded to the City Council. The remainder of the Commission concurred, and Mr. Cohn agreed to add this discussion as part of the transmittal that is forwarded to the City Council.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION CARRIED UNANIMOUSLY.