Council Meeting Date: November 16, 2015 **Agenda Item:** 8(b)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Proposed 2015 Development Code Amendments
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Rachael Markle, AICP, Director
ACTION:	____ Ordinance ____ Resolution ____ Motion __X__ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:
Amendments to the City's Development Code, SMC Title 20, are processed as legislative decisions that are not project specific, but rather apply citywide. These amendments are considered by the City Council under its authority to establish policies and regulations.

The Planning Commission is the review authority for Development Code amendments and is responsible for holding a Public Hearing on proposed amendments and making a recommendation to the City Council on each proposed amendment. The Planning Commission held the required Public Hearing for the proposed amendments on October 1, 2015 and has recommended that the City Council adopt the proposed amendments in **Attachment A**.

Staff concurs with the Planning Commission's recommendation as proposed in Attachment A.

The purpose of tonight's discussion is for:

- Council to review the proposed Development Code amendments;
- Staff to present the Planning Commission's recommendations and respond to any questions regarding the proposed amendments;
- Council to deliberate and, if necessary, provide further direction to staff prior to the scheduled adoption of the proposed Development Code amendments on December 7, 2015.

RESOURCE/FINANCIAL IMPACT:
The proposed amendments have no direct financial impact to the City.

RECOMMENDATION

No Council action is required at this time. Staff recommends that Council discuss the proposed amendments and determine if there is additional information needed for

Council's consideration. The proposed Development Code amendments are scheduled for adoption by the Council on December 7, 2015.

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 the Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, 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 2015 batch of Development Code amendments, the Planning Commission held three study sessions in 2015 - on May 7, June 4, and September 3, 2015, and a Public Hearing on the proposed amendments on October 1, 2015. **Attachment A** to this staff report provides the Planning Commission's recommendation for the proposed Development Code Amendments.

DISCUSSION

Generally, staff will bring Development Code amendments to Council for approval on an annual basis. The last time Council adopted a batch of administrative Development Code amendments was August 11, 2014 (Ordinance No. 695). This group of Development Code amendments has one privately initiated amendment (Rick Crosby amendment, **Attachment B**) and 41 City-initiated amendments. The proposed Development Code amendments are organized in two groups: administrative changes (reorganization and minor corrections) and more substantive changes listed in order of Chapter. The proposed changes are as follows:

Administrative Changes

20.20.016 – Clarifies the definition of shared driveways.
20.30.040 – Changes the temporary use permit reference.
20.30.110 – Clarifies the title of the Determination of Completeness section.
20.30.280(C)(4) – Clarifies the modifications to nonconforming section.
20.30.340 – New procedure for processing Comprehensive Plan Amendments.
20.40.100 – Raises the time limit of a Temporary Use Permit to one year (This is currently allowed by the Director but not reflected in this section).
20.40.120 – Changes the use from "Tent City" to "Transitional Encampment".
20.40.140 – Prohibits hospitals and medical clinics in the R-4 and R-6 zones.
20.40.150 – Deletes shipping containers as a use.
20.40.160 – Research, development, and testing allowed in the MUR-70' Zone and deleting Outdoor Performance Center in the MUR zones.

20.40.400 – Clarification that parking for a home-based business must be onsite.
20.40.410 & .450 – Deletes the requirement that hospitals and medical clinics only be allowed as a reuse of a surplus nonresidential facility.
20.40.535 – Establishes Transitional Encampment indexed criteria (conditions).
20.50.020(3) – Environmental features do not count against hardscape requirements.
20.50.240 – Minor word change (Strike "abutting" and replace with "in").
Table 20.50.390(D) – Deletes a duplicative parking requirement (retail and mixed-use parking standards).
20.50.410 – Reorganization of the section - Requirements for Compact Parking Stalls and Parking Angles.
20.50.430 – Deletes Nonmotorized Access Section (addressed in 20.50.240)
20.50.480 – Updates a reference in the section.
20.60.140(A)(1) – Minor amendment to clarify the section (Replaces the word "or" to "and").
20.70.320 – Frontage Improvement Exemptions for Single Family Residential Development.
20.80.060 – Updates the Department's name and phone number.

Substantive Changes

20.20.034 – New definition for Multi-Modal Access Improvements.
20.30.100 – Allows the Director to waive permit fees for affordable housing.
20.30.355 – Adds additional decision criteria for Development Agreements (Level-of-Service for pedestrians and bikes).
20.30.380 – Raises the number of lots in a short plat from four to nine.
20.40.230 – Allows a permit fee waiver for affordable housing.
20.40.235 – Allows a permit fee waiver for affordable housing in the MUR zones.
20.50.020 – Allow Lots under the minimum size for the zone.
*20.50.020(C) – Adds a warning to potential developers (Planning Commission recommended denial of this amendment – alternative amendment).
20.50.370 – Requires tree protection measures for offsite trees.
20.50.400 – Revises criteria for a reduction to minimum parking standards.
20.60.140 (3) – Adds a level-of-service standard for pedestrians and bicycles.
20.100.020 – Adds a new section for the Community Renewal Area (CRA) and establishes transition standards for the CRA.

*Amendments that were not recommended by the Planning Commission, provided as alternative.

ANALYSIS

Approximately half of the proposed Development Code amendments being presented to Council tonight area amendments are "housekeeping" amendments, aimed at "cleaning up" the code and are generally administrative in nature.

The other half of the amendments are more substantive and have the possibility of changing policy direction for the City. The justification and analysis can be found in Attachment A for each of the following amendments and are described in detail below:

SMC 20.20.034 – Multi-Modal Access Improvements (Attachment A, Page 2)

In order to mitigate offsite impacts of providing a Light Rail Transit System/ Facility, staff is creating the definition of "multi-modal access improvements" for projects that create impacts not only adjacent to a development project, but in some defined distance from a development project.

Sound Transit is preparing to build two stations in Shoreline. As part of the development requirements, Sound Transit will be required to provide frontage improvements. Frontage improvements include curb, gutter, sidewalk, street, drainage and other physical features abutting their property. Frontage improvements are standard requirements when a property owner develops in the City of Shoreline.

The two light rail stations at 185th Street and 145th Street will create impacts that radiate out into the neighborhood. The City wants to make sure those impacts are covered by mitigations in the Development Code.

The actual requirements and permit procedure of a Multi-Modal Access improvement Plan are not proposed at this time as staff and Sound Transit and working toward a mutually agreeable solution that will be brought to Council for approval at a later date.

SMC 20.30.100, 20.40.230, 20.30.235 – Fee Waiver for Affordable Housing (Attachment A, Page 3 and Pages 21 through 27)

Council expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program, and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably-priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

Council discussed implementing a building permit fee waiver on August 3, 2015. The Council was receptive to the idea and directed staff to bring a proposal to the Planning Commission. **Attachment C** is the Council staff report from August 3, 2015.

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis. **Attachment D** includes a comparison of other jurisdictions that waive permit fees for affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.

The proposed Development Code amendment would be limited in that the amount of fees the City imposes and would mirror the percentage of affordable housing a developer is providing. For example, if 20 percent of the units of a new multifamily building were affordable to residents who have annual incomes that do not exceed 60 percent of King County median income, then the City could waive 20 percent of the City controlled development fees.

If the Council wants to enact an affordable housing building permit fee waiver provision, three Development Code sections will be amended. SMC 20.30.100 is the section that speaks to building applications and the appropriate application fees, section 20.40.230 is the general provisions for affordable housing, and section 20.40.235 is the general provisions for affordable housing in the MUR zones.

It should be noted that the City can only waive building permit fees for the fees the City imposes. These fees include the permit, plans review, zoning, surface water, fire review, critical area review, plumbing, and mechanical. The City cannot waive fees imposed by outside agencies such as Washington State, Seattle Public Utilities, Ronald Wastewater, North City Water District, Seattle City Light, and telecommunication companies.

In addition, the City has yet to determine the fee in lieu of construction of mandatory affordable units in the MUR 45' and MUR 70' zones. Therefore, to avoid confusion, language has been added to clearly state that fee in lieu of constructing mandatory affordable units is not an option until Council approves a fee in lieu of formula.

20.30.355 – Development Agreement (Type L) (Attachment A, Page 9)

Large residential and commercial projects generate auto, transit, bicycle, and pedestrian trips. The City's Arterial Streets may be insufficient to safely move people to and from these large projects, specifically pedestrians and bicycles. The proposed amendment changes the decision criteria for Development Agreements to make pedestrian and bicycling accommodation a higher priority.

20.30.380 – Subdivision Categories (Attachment A, Page 9)

This amendment would raise the number of lots in a short plat from four to nine. Currently, the threshold for short plats throughout the entire city is limited to four. The

proposed amendment increases the current limit to nine lots. Nine lots is the maximum allowed by the State for a short subdivision (RCW 58.17.020(6)).

If a developer wanted to plat nine lots under today's Development Code, that action would be considered a Formal Subdivision which requires a public hearing by the Hearing Examiner and final action by City Council.

Conversely, the City allows a property owner to build multiple homes on one lot up to the allowed density. A property owner is not limited on number of units they may place on a parcel, as long as the density limits are being met.

For example, 6 homes may be built on a single acre parcel in the R-6 zone without that property being subdivided (43,560 square feet/ 1 acre X 6 = 6). Or, 18 townhomes may be built on a single parcel in the R-18 Zone without being subdivided (43,560 square feet/ 1 acre x 18 = 18). Both of the previous examples simply require a building permit and do not require a subdivision.

Practically, this amendment functions the same way short plats have always functioned. An applicant holds a pre-application conference with city staff. The applicant then holds a neighborhood meeting for everyone within 500 feet of the parcel being developed. After the neighborhood meeting, the applicant may submit an application to the City for approval. If the application meets all required Development Code standards, staff will approve the short plat and notify neighbors that the application has been approved.

Under the current Development Code, using the same example, a developer could submit building permits for some number of residential units, hold a pre-application conference with City staff, and hold a neighborhood meeting for everyone within 500 feet of the parcel being developed. The developer may then build the project. If the developer wanted to then subdivide the already built units, the developer must present the application to a Hearing Examiner in a public hearing and then go to Council for final approval (even though the project is already built).

The proposed amendment permits a short plat to be raised from four lots to nine lots for the following reasons:

- The Council, through the Comprehensive Plan and 185th Street Station Subarea Plan, has made it clear that growth and density should be focused to certain areas within the City such as future light rail stations.
- The City allows multiple homes to be developed on one lot. The City expects to see a number of properties in the station areas redeveloped with multiple townhomes and rowhomes on one lot. For example, a developer can build six homes on one lot with a building permit through an administrative process. If the developer subdivided those same six homes then that action would involve a public hearing at the Hearing Examiner with final approval by the City Council.
- The City will begin to see new multifamily structures being developed in the MUR zones. These developments may be sold as condominiums (many units on one lot) or as fee simple townhomes (one unit per small lot). The City does not regulate how a property is owned.

- Many of the adjacent jurisdictions allow fee simple administrative subdivisions up to nine lots. Seattle and Mountlake Terrace are two adjacent jurisdictions that allow nine lots in a short subdivision.

20.50.020 – Dimensional Requirements (Attachment A, Page 30)

This amendment is privately initiated (see Attachment B for application and justification letter)**.** Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area used to calculate density and/or minimum lot sizes can be reduced if property dedications for right of way including frontage improvements are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding the proposed exemption language is intended to help property owners and developers realize the same development potential if the City requires dedications.

The proposal is to add a footnote (number 13) to Table 20.50.020 next to density and minimum lot area. Footnote 13 allows an applicant to reduce minimum lot area and allow for the density to be calculated prior to the dedication of city facilities as part of the development.

The issue with this concept is it would allow for the creation of lots that do not meet the minimum lot size and/or exceed maximum densities in some zones. The buildable area on a smaller lot is less since all other development regulations must be met such as building coverage, hardscape, setbacks, and building height.

Amendment # 21 is a related and conflicting amendment. Amendment #21 is a warning to property owners that states, “All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations. Note: If a dedication is required in accordance with SMC 20.70 the portion of the site to be dedicated is not included in this calculation”.

If the Council is supportive of Amendment #20 then Amendment #21 should be withdrawn or recommended for denial. The Planning Commission recommended approval of Amendment #20 and denial of Amendment #21. The Commission recommended approval for Amendment #20 based on the requirement that a reduction in lot size should be proportional to the amount of dedication and a property should not be penalized for providing dedication to the City.

SMC 20.50.400 – Reductions to Minimum Parking Requirements (Attachment A, Page 40)

Staff wants to ensure that the use of this parking reduction is carefully applied and consistently meets the intent of the Planning Commission and City Council. Some of the current criteria for granting a parking reduction do not have a direct relationship to parking demand. Criteria have been amended to include measures that decrease parking demand.

In addition the Planning Commission recommended amending 20.50.400(E) which is the allowance for the Director to reduce parking by 25 percent for multifamily development within ¼ mile from the light rail station from a "shall" to a "may". The Commission believes that by automatically reducing parking in the station area, the surrounding neighborhood will be impacted by cars parking on the street.

SMC 20.60.140 – Adequate Streets (Attachment A, Page 47)

This amendment would add a Level of Service (LOS) standard for pedestrians and bicycles. The City is expected to experience a growing number of uses that may increase the number of pedestrians and cyclist throughout the City. These new uses include two light rail stations, redevelopment of Aurora Square, Point Wells, and various large apartment projects. It should be incumbent upon a developer to make sure a certain project meets not only LOS for vehicles but also LOS for pedestrians and bicyclists.

SMC 20.100.020 – Aurora Square Community Renewal Area (Attachment A, Page 49)

This amendment would amend specific standards for development in the Community Renewal Area. Potential amendments to the standards include signage, transition, and frontage improvements. At this time, staff is only proposing to change the transition standards. The CRA is adjacent to three streets that are wider than the typical Shoreline street. Aurora Avenue, Westminster Way and N 155th Street are all wider than 100 feet. The City's consultant on the CRA Planned Action studied three transition options and applied those options to four sites in the CRA. The results of that study are included as **Attachment E.** Also part of this amendment is creating a separate subchapter for all CRA regulations so that all regulations that apply specifically to the CRA are in one place of the code to make it less confusing.

RESOURCE/FINANCIAL IMPACT

The proposed development code amendments do not have a direct financial impact on the City.

RECOMMENDATION

No Council action is required at this time. Staff recommends that Council discuss the proposed amendments and determine if there is additional information needed for Council's consideration. The proposed Development Code amendments are scheduled for adoption by the Council on December 7, 2015.

ATTACHMENTS

Attachment A – 2015 Development Code Amendments
Attachment B – Privately initiated Application for Development Code Amendment
Attachment C – Staff Report to Council on August 3, 2015 for Permit Fee Waiver for Affordable Housing
Attachment D – Examples of Jurisdictions with Building Permit Fee Waivers
Attachment E – BERK Transition Area Memo
Attachment F – Notice of Public Hearing
Attachment G – SEPA threshold Determination of Nonsignificance
Attachment H – Planning Commission Public Hearing Minutes

DEVELOPMENT CODE AMENDMENTS 2015

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Amendment # 1
20.20.016 D definitions

Justification – Shared driveways could apply to more than two properties.

Driveway, Shared – A jointly owned and maintained tract or easement serving two or more properties.

Amendment # 2
20.20.034 M definitions.

Justification – Sound Transit is preparing to build two stations in Shoreline. As part of the development requirements, Sound Transit will be required to provide frontage improvements. Frontage improvements include curb, gutter, sidewalk, street, drainage and other physical requirements abutting their property. Frontage improvements are standard requirements when a property owner develops in the City of Shoreline.

In order to mitigate offsite impacts of providing a Light Rail Transit System/ Facility, staff is creating the category of "multi-modal access improvements" for projects that create impacts not only adjacent to a development project, but in some defined distance from a development project.

The two light rail stations at 185th Street and 145th Street will create impacts that radiate out into the neighborhood. The City wants to make sure those impacts are covered by mitigations in the Development Code.

For example, if there are deficient sidewalks connecting the station on the eastside of the freeway at 185th to the parking garage on the west side of the freeway, the City wants to make sure that a safe connection is provided. By requiring these multi-model access improvements, the City will insure there are sufficient pedestrian and bicycle facilities connecting the two structures.

Multi-Modal Access Improvements – Multi-modal Access Improvements are offsite improvements that improve travel options to make safe connections to public amenities such as schools, Sound Transit facilities, Metro bus stops, and commercial uses. Access improvements include, but are not limited to offsite sidewalks that connect to other offsite facilities, bicycle infrastructure, and traffic calming.

Amendment # 3
20.30.040 Ministerial decisions – Type A.

Justification – A better reference in Table 20.30.040 pertaining to Temporary Use permits is SMC 20.30.295. This section is contains the review and decision criteria for a Temporary Use Permit. Most of the other references in this column are to this same Subchapter 6. Review and Decision Criteria. 20.40.100 although still pertaining to Temporary Uses is more applicable to establishing permitted uses.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	**Target Time Limits for Decision (Calendar Days)**	**Section**
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	**15 days**	**20.30.295** ~~**20.40.100**~~
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW

or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #4
20.30.100 Application.

Justification – Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

> *1) to provide direct financial support to a project,*
> *2) to provide visible policy and political support to a project, and*
> *3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.*

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

Council discussed implementing a building permit fee waiver on August 3. The Council was receptive to the idea and directed staff to bring a proposal to Commission. ***Attachment C*** *of this staff report is the Council staff report from August 3, 2015.*

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis during the development of the 185th Street Light Rail Station Subarea Plan. ***Attachment D*** *includes a comparison of other jurisdictions that waive permit fees for affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.*

The proposed Development Code amendment would be limited in that the amount of fees the City imposes would mirror the percentage of affordable housing a developer is providing. For

example, if 20 percent of the units of a new multifamily building were affordable to residents who have annual incomes that do not exceed 60 percent of King County median income, then the City could waive 20 percent of the City controlled development fees.

If the Planning Commission and Council wanted to enact an affordable housing building permit fee waiver provision, three Development Code sections will be amended. SMC 20.30.100 is the section that speaks to building applications and the appropriate application fees, section 20.40.230 is the general provisions for affordable housing, and section 20.40.235 is the general provisions for affordable housing in the MUR zones.

It should be noted that the City can waive building permit fees for the fees the City imposes. These fees include the permit, plans review, zoning, surface water, fire review, critical area review, plumbing, and mechanical. The City cannot waive fees imposed by outside agencies such as Washington State, Seattle Public Utilities, Ronald Wastewater, North City Water District, Seattle City Light, and telecommunication companies.

In addition, the City has yet to determine the fee in lieu of construction of mandatory affordable units in the MUR 45' and MUR 70' zones. Therefore, to avoid confusion language has been added to clearly state that fee in lieu of constructing mandatory affordable units is not an option until such time as the Council approves a fee in lieu of formula.

SMC 20.30.100

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

B. All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall include:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).
3. The Director may waive City imposed development fees for the construction of new or the remodel of existing affordable housing that complies with SMC 20.40.230 or SMC 20.40.235 based on the percentage of units affordable to residents whose annual income will not exceed 60 percent of the King County Area Median income. For example, if 20% of the units are affordable to residents with incomes 60% or less of the King County Area Median income; then the applicable fees could also be reduced by 20%.

Amendment # 5
20.30.110 Determination of completeness <u>& requests for additional information.</u>

Justification – This is a clarification of the title of the section only. The section addresses completeness and requests for additional information and the time limits that apply to both situations.

A. An application shall be determined complete when:
1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.

C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. The Director may grant a 90-day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. The applicant may request a refund of the application fee minus the City's cost of processing.

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action. (Ord. 406 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(d), 2000).

Amendment # 6
20.30.280(C)(4) – Nonconformance

Justification – This amendment makes the clarification that a property owner of a legal, nonconforming structure may make an addition based on the provisions of 20.30.280(C)(4) but only to the limits of the R-6 zone. The property owner is still limited by the residential dimensional standards in Table 20.50.020(1) which outlines building coverage, hardscape, setbacks, density, and building height.

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this code.

1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

2. Discontinuation of Nonconforming Use. A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.

3. Repair or Reconstruction of Nonconforming Structure. Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

a. The extent of the previously existing nonconformance is not increased;

b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and

c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. Modifications to Nonconforming Structures. Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

Amendment #7
20.30.340 Amendment ~~and review of~~ to the Comprehensive Plan (legislative action).

Justification – The City's process for accepting and reviewing amendments to the Comprehensive Plan were unclear. The proposed language establishes a clear procedure for creating the Docket and processing Comprehensive Plan Amendments.

A. **Purpose.** Comprehensive Plan amendments is a mechanism by which the City Council may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City. The Growth Management Act (GMA), 36.70A RCW, requires that the City of Shoreline include within its development regulations a procedure for any interested person to suggest plan amendments. The suggested amendments are to be docketed for consideration. The purpose of this section is to establish such a procedure for amending the City's Comprehensive Plan text and/or land use map.

For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the Comprehensive Plan in a manner that will ensure such suggested changes will be considered by the City and will be available for review by the public.

~~**A. Purpose.** A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.~~

B. Decision Criteria. The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or

2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or

3. The amendment will benefit the community as a whole; will not adversely affect community facilities, the public health, safety or general welfare.

C. **Amendment Procedures.**

1. **Concurrent Review of Annual Amendments**. Except in certain, limited situations, the Growth Management Act (GMA) permits amendments to the Comprehensive Plan no more frequently than once every year. All proposed amendments shall be considered concurrently so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all proposed amendments to the Comprehensive Plan.

2. Deadline for Submittal.

a. Citizens - Applications requesting a text or map amendment to the Comprehensive Plan from any interested person will be accepted throughout the year. The deadline for submitting such an application is 5:00 PM on December 1 of each year, or the next business day if December 1 falls on a Saturday or Sunday.

b. Council – The Council may submit an amendment for the Docket at any time before the final Docket is set.

c. At least three (3) weeks prior to the deadline, the City will publish on its website and through a press release a call for docket applications for the current year's docket.

d. Any citizen initiated amendment application received after the submittal deadline shall be docketed for the following year.

3. Application Requirements.

a. Proposals to amend the Comprehensive Plan shall be submitted on the form prescribed and provided by the Department. To be considered complete, an application must contain all of the required information, including supporting documentation and applicable fees.

b. If during the course of the year the Department identifies any deficiencies in the Comprehensive Plan, the "Identified Deficiencies" shall be docketed on the form provided for in SMC 20.30.340(C)(3)(a) for possible future amendment. For the purposes of this section, a deficiency in the Comprehensive Plan refers to the absence of required or potentially desirable contents of the Comprehensive Plan.

4. Preliminary Docket Review

a. The Department shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.

b. The Director shall review all complete and timely filed applications proposing amendments to the Comprehensive Plan and place these applications on the preliminary docket along with other city-initiated amendments to the Comprehensive Plan.

c. The Planning Commission shall review the preliminary docket at a publically noticed meeting and make a recommendation on the preliminary docket to the City Council each year.

d. The City Council shall review the preliminary docket at a public meeting and, after such a review, shall establish the final docket. The final docket shall be publically available by posting on the City's website and a press release.

e. Placement of an item on the final docket does not mean a proposed amendment will be approved. The purpose of the final docket is to allow for further analysis and consideration by the City.

f. Any interested person may resubmit a proposed amendment not placed on the final docket subject to the application and deadline procedures set forth in this chapter for the following year.

5. Final Docket Review

a. The Department shall review and assess the items placed on the final docket and prepare a staff report(s) including recommendations for each proposed amendment. The Department shall be responsible for developing an environmental review of the combined impacts of all proposed amendments on the final docket, except, the environmental review of amendments seeking a site-specific amendment shall be the responsibility of the applicant. The Department shall set a date for consideration of the final docket by the Planning Commission and timely transmit the staff report(s) and the Department's recommendation prior to the scheduled date.

b. As provided in SMC 2.20.060 and 20.30.070, the Planning Commission shall review the proposed amendments contained in the final docket based on the criteria set forth in 20.30.340(B) and the Department's analysis and recommendation. The Planning Commission shall hold at least one public hearing on the proposed amendments. The Planning Commission shall make a recommendation on those amendments and transmit that recommendation to the City Council.

c. Promptly after issuance of the Planning Commission's recommendation, the Department shall set a date for consideration of the final docket by the City Council. The City Council shall concurrently review the proposed amendments consistent with the criteria set forth in 20.30.340(B) and taking into consideration the recommendations of the Planning Commission and the Department. The City Council may deny, approve, or modify the Planning Commission's recommendations.

d. The Planning Commission and the City Council may hold additional public hearings, meetings, or workshops as warranted by the proposed amendments.

e. Pursuant to RCW 36.70A.106, the Department shall notify the State of the City's intent to adopt amendments to the Comprehensive Plan at least 60 days prior to the City Council's final adoption of the proposed amendments. Within ten (10) days of final

adoption, the City shall transmit to the State any adopted amendment to the Comprehensive Plan.

~~The City of Shoreline's process for accepting and reviewing Comprehensive Plan amendments for the annual docket shall be as follows:~~
~~1. Amendment proposals will be accepted throughout the year. The closing date for the current year's docket is the last business day in December.~~
~~2. Anyone can propose an amendment to the Comprehensive Plan.~~
~~• There is no fee for submitting a general text amendment to the Comprehensive Plan.~~
~~• An amendment to change the land use designation, also referred to as a site specific Comprehensive Plan amendment, requires the applicant to apply for a rezone application to be processed in conjunction with the Comprehensive Plan amendment. There are separate fees for a site specific CPA request and a rezone application.~~
~~3. At least three weeks prior to the closing date, there will be general public dissemination of the deadline for proposals for the current year's docket. Information will include a staff contact, a re-statement of the deadline for accepting proposed amendments, and a general description of the amendment process. At a minimum, this information will be available on the City's website and through a press release.~~
~~4. Amendment proposals will be posted on the City's website and available at the Department.~~
~~5. The draft docket will be comprised of all Comprehensive Plan amendment applications received prior to the deadline.~~
~~6. The Planning Commission will review the draft docket and forward recommendations to the City Council.~~
~~7. A summary of the amendment proposals will be made available, at a minimum, on the City website, in Currents, and through a press release.~~
~~8. The City Council will establish the final docket at a public meeting.~~
~~9. The City will be responsible for developing an environmental review of combined impacts of the proposals on the final docket. Applicants for site specific Comprehensive Plan amendments will be responsible for providing current accurate analysis of the impacts from their proposal.~~
~~10. The final docketed amendments will be reviewed by the Planning Commission in publicly noticed meetings.~~
~~11. The Commission's recommendations will be forwarded to the City Council for adoption.~~
~~(Ord. 695 § 1 (Exh. A), 2014; Ord. 591 § 1 (Exh. A), 2010; Ord. 238 Ch. III § 7(f), 2000).~~

Amendment # 8
20.30.355 Development Agreement (Type L).

Justification – Large residential and commercial projects generate auto, transit, bicycle, and pedestrian trips. The City's Arterial Streets may be insufficient to safely move people to and from these large projects, specifically pedestrians and bicycles. Staff is recommending amending the decision criteria for Development Agreements to make pedestrian and bicycling accommodation a higher priority.

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

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

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

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

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

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

5. Affordable housing units;

6. Parks and open space preservation;

7. Phasing of development;

8. Review procedures and standards for implementing decisions;

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

10. Any other appropriate development requirement or procedure;

11. Preservation of significant trees; and

12. Connecting, establishing, and improving nonmotorized access.

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

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

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

3. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes)) <u>that meet the City's adopted Level Of Service standards (as confirmed by the performance of a Transportation Impact Analysis)</u> in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity

and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

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

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

Amendment # 9
20.30.380 Subdivision categories.

Justification – This amendment would raise the number of lots in a short plat from four to nine. Currently, the threshold for short plats throughout the entire city is limited to four. Staff is proposing that the limit be raised to nine lots. Nine lots is the maximum allowed by the State for a short subdivision (RCW 58.17.020(6)).

If a developer wanted to plat nine lots under today's Development Code, that action is a Formal Subdivision which requires a public hearing by the Hearing Examiner and final action by City Council.

Conversely, the City allows a property owner to build multiple homes on one lot up to the density allowed. A property owner is not limited on number of units they may place on a parcel, as long as the density limits are being met.

For example, 6 homes may be built on a single acre parcel in the R-6 zone without that property being subdivided (43,560 square feet/ 1 acre X 6 = 6). Or, 18 townhomes may be built on a single parcel in the R-18 Zone without being subdivided (43,560 square feet/ 1 acre x 18 = 18). Both of the previous examples simply require a building permit and do not require a subdivision.

Practically, this amendment functions the same way short plats have always functioned. An applicant holds a pre-application conference with city staff. The applicant then holds a neighborhood meeting for everyone within 500 feet of the parcel being developed. After the neighborhood meeting, the applicant may submit an application to the City for approval. If the application meets all required Development Code standards, staff will approve the short plat and notify neighbors that the application has been approved.

Under the current Development Code, using the same example, a developer could submit building permits for some number of residential units, hold a pre-application conference with city staff, and hold a neighborhood meeting for everyone within 500 feet of the parcel being developed. The developer may then build the project. If the developer wanted to then subdivide

the already built units; the applicant must present the application to a Hearing Examiner in a public hearing and then go to Council for final approval (even though the project is already built).

Staff is recommending that a short plat be raised from four lots to nine lots for the following reasons:

- *The Council, through the Comprehensive Plan and 185th Street Station Subarea Plan, has made it clear that growth and density should be focused to areas such as future light rail stations.*
- *The City allows multiple homes to be developed on one lot. The City expects to see a number of properties in the station areas redeveloped with multiple townhomes and rowhomes on one lot. A developer can build six homes on one lot with a building permit through an administrative process. If the developer subdivided those same six homes then that action would involve a public hearing at the Hearing Examiner with final approval by the City Council.*
- *The City will begin to see new multifamily structures being developed in the MUR zones. These developments may be sold as condominiums (many units on one lot) or as fee simple townhomes (one unit per small lot). The City does not regulate how a property is owned.*
- *Many of the adjacent jurisdictions allow fee simple administrative subdivisions up to nine lots. Seattle and Mountlake Terrace are two adjacent jurisdictions that allow nine lots in a short subdivision.*

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of ~~four~~ nine or fewer lots.

C. Formal Subdivision: A subdivision of ~~five~~ 10 or more lots.

D. Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.

Note: When reference to “subdivision” is made in this Code, it is intended to refer to both “formal subdivision” and “short subdivision” unless one or the other is specified.

Amendment # 10
20.40.100 Purpose.

Justification – The Director has the ability to approve a TUP for a period of up to one year in SMC 20.30.295(C). SMC 20.40.100 (C)(1) needs to be amended to reflect this.

A. The purpose of this subchapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained.

C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days.
Exception to SMC 20.40.100(C)(1): A use which will operate for less than 60 days or operates under an approved Temporary Use Permit is considered a temporary use, and subject to the requirements of a temporary use permit.

D. All applicable requirements of this Code, or other applicable State or Federal requirements, shall govern a use located in the City. (Ord. 238 Ch. IV § 2(A), 2000).

Amendment # 11
20.40.120 Residential uses.

Justification – This Development Code amendment changes the use of "tent city" to "transitional encampment" in the City's use table. Tent City is a name of a specific homeless encampment in the region and does not apply to all homeless encampments.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	Transitional Encampment ~~**Tent City**~~	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Amendment # 12
20.40.140 Other uses.

Justification – Hospitals and medical offices should be excluded as a conditional use in the lower density residential zones. First, Shoreline has available commercial property for such uses to locate. The Commission believes that in order to create a vibrant city, commercial uses should be located together in the commercial center. Second, the City's home occupation rules allows a property owner to do medical related industry from the home (dental molds, transcription, etc.) without the need for a medical office for clients.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				
514120	Library	C	C	C	C	P	P	P	P
71211	Museum	C	C	C	C	P	P	P	P
	Nightclubs (excludes Adult Use Facilities)						C	P	P
7111	Outdoor Performance Center							S	P
	Parks and Trails	P	P	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						P-i	P-i	P-i
6111	School District Support Facility	C	C	C	C	C	P	P	P
6111	Secondary or High School	C	C	C	C	C	P	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	C-i	P	P	P	P
71399	Sports/Social Club	C	C	C	C	C	P	P	P
6114 (5)	Vocational School	C	C	C	C	C	P	P	P
GOVERNMENT									
9221	Court						P-i	P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
92212	Police Facility					S	P	P	P
92	Public Agency Office/Yard or Public Utility Office/Yard	S-i	S-i	S	S	S	P	P	

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
221	Utility Facility	C	C	C	C	P	P	P	P
HEALTH									
622	Hospital	~~C-i~~	~~C-i~~	C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	**Medical Office/Outpatient Clinic**	**~~C-i~~**	**~~C-i~~**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			C	C	P	P	P	P
REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

P = Permitted Use C = Conditional Use	S = Special Use -i = Indexed Supplemental Criteria

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Amendment # 13
20.40.150 Campus uses.

Justification – Shipping containers are not a use but rather a structure. Structures are regulated in SMC 20.50.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		
	Housing for Disabled Persons	P-m	P-m		
	Library	P-m		P-m	P-m
	Light Manufacturing		P-m		P-m
	Maintenance Facilities for On-Site Maintenance	P-m	P-m	P-m	P-m
	Medical-Related Office or Clinic (including personal care facility, training facilities, and outpatient clinic)	P-m	P-m	P-m	P-m
	State Owned/Operated Office or Laboratory		P-m	P-m	P-m
	Outdoor Performance Center	P-m			P-m
623	Nursing and Personal Care Facilities	P-m	P-m		P-m
	Performing Arts Companies/Theater	P-m			P-m
	Personal Services (including laundry, dry cleaning, barber and beauty shop, shoe repair, massage therapy/health spa)	P-m	P-m		P-m
	Power Plant for Site Use Power Generation Only		P-m	P-m	P-m
	Recreational Facility	P-m	P-m		P-m
	Recreation Vehicle	P-i			
	Research Development and Testing		P-m	P-m	P-m
	Residential Habilitation Center and Support Facilities	P-m	P-m		
6111	Secondary or High School	P-m			P-m
	Senior Housing (apartments, duplexes, attached and detached single-family)	P-m			
	~~**Shipping Containers**~~	~~**P-i**~~	~~**P-i**~~	~~**P-i**~~	~~**P-i**~~
	Social Service Providers		P-m		P-m
6116	Specialized Instruction School	P-m	P-m		P-m
	Support Uses and Services for the Institution On Site (including dental hygiene clinic, theater, restaurant, book and video stores and conference rooms)	P-m	P-m	P-m	P-m
	Tent City	P-i			
	Wireless Telecommunication Facility	P-i			P-i

P = Permitted Use
P-i = Permitted Use with Indexed Supplemental Criteria
P-m = Permitted Use with approved Master Development Plan

Note: Other uses not listed in Table 20.40.150 existing within the campus zone as of the effective date of Ordinance No. 507 may be permitted as P-m through a Code interpretation.

Amendment # 14
20.40.160 Outdoor Performance Center and Research, Development and Testing.

Justification – There are two amendments proposed to Table 20.40.160. The first amendment will prevent a facility like the Washington State Health Lab from being constructed in the MUR zones. The Public Health Lab is categorized as a Biosafety Level (BSL) 3 level laboratory by the Centers for Disease Control (CDC). It was Council's direction to allow research and development within the MUR-70' Zone but not allow some of the uses that happen at the Public Health Lab. By limiting a proposed research, development, and/or testing facility to a BSL 1 or 2, any medical office, health care use as well as testing that does not involve the most noxious of materials could open within the light rail station area.

The Center for Disease Control (CDC) assigns Biosafety levels (BSL) to laboratory facilities. A Biosafety level is a level of biocontainment precautions required to isolate dangerous biological agents in an enclosed laboratory facility. The levels of containment range from the lowest Biosafety level 1 to the highest at level 4.

Biosafety Level 1 – Biosafety Level 1 is suitable for work involving well-characterized agents not known to consistently cause disease in immunocompetent adult humans, and present minimal potential hazard to laboratory personnel and the environment.

Biosafety Level 2 – Biosafety Level 2 builds upon BSL-1. BSL-2 is suitable for work involving agents that pose moderate hazards to personnel and the environment. It differs from BSL-1 in that: 1) laboratory personnel have specific training in handling pathogenic agents and are supervised by scientists competent in handling infectious agents and associated procedures; 2) access to the laboratory is restricted when work is being conducted; and 3) all procedures in which infectious aerosols or splashes may be created are conducted in BSCs or other physical containment equipment.

Biosafety Level 3 – Biosafety Level 3 is applicable to clinical, diagnostic, teaching, research, or production facilities where work is performed with indigenous or exotic agents that may cause serious or potentially lethal disease through the inhalation route of exposure. Laboratory personnel must receive specific training in handling pathogenic and potentially lethal agents, and must be supervised by scientists competent in handling infectious agents and associated procedures.

Biosafety Level 4 – Biosafety Level 4 is required for work with dangerous and exotic agents that pose a high individual risk of aerosol-transmitted laboratory infections and life-threatening disease that is frequently fatal, for which there are no vaccines or treatments, or a related agent with unknown risk of transmission. Agents with a close or identical antigenic relationship to agents requiring BSL-4 containment must be handled at this level until sufficient data are obtained either to confirm continued work at this level, or re-designate the level. Laboratory staff must have specific and thorough training in handling extremely hazardous infectious agents. Laboratory staff must understand the primary and secondary containment functions of standard and special practices, containment equipment, and laboratory design characteristics. All laboratory staff and supervisors must be competent in handling agents and procedures requiring BSL-4 containment. The laboratory supervisor in accordance with institutional policies controls access to the laboratory.

The second amendment deletes the use "outdoor performance center". Staff believes that this use is most commonly combined with a performance arts company/theater and this use may include performances outdoor. Any outdoor activity is regulated by the City's noise and hours of operation ordinances like any outdoor performance in one of the City owned parks.

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Collective Garden			
	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

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	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
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	~~**Outdoor Performance Center**~~		~~**P -A**~~	~~**P -A**~~
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
GOVERNMENT				
	Fire Facility		C-i	C-i
	Police Facility		C-i	C-i

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing and Personal Care Facilities		P-i (Adjacent to Arterial Street)	P
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	P-i	P-i	P-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

P = Permitted Use	C = Conditional Use
S = Special Use	-i = Indexed Supplemental Criteria
A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.	

(Ord. 706 § 1 (Exh. A), 2015).

20.40.496 Research, development, and testing

Research, development, and testing is permitted in the MUR-70' Zone if the facility is categorized as BSL 1 or 2 (Biosafety Level 1 or Biosafety Level 2) as classified by the Centers for Disease Control (CDC) and the National Institute of Health (NIH).

Amendment # 15
20.40.230 Affordable housing.

Justification for the following two amendments – Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and

support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

Council discussed implementing a building permit fee waiver on August 3. The Council was receptive to the idea and directed staff to bring a proposal to Commission. ***Attachment C*** *of this staff report is the Council staff report from August 3, 2015.*

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis during the development of the 185th Street Light Rail Station Subarea Plan. ***Attachment D*** *includes a comparison of other jurisdictions that waive permit fees for affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.*

The proposed Development Code amendment would be limited in that the amount of fees the City imposes would mirror the percentage of affordable housing a developer is providing. For example, if 20 percent of the units of a new multifamily building were affordable to residents who have annual incomes that do not exceed 60 percent of King County median income, then the City could waive 20 percent of the City controlled development fees.

If the Planning Commission and Council wanted to enact an affordable housing building permit fee waiver provision, three Development Code sections will be amended. SMC 20.30.100 is the section that speaks to building applications and the appropriate application fees, section 20.40.230 is the general provisions for affordable housing, and section 20.40.235 is the general provisions for affordable housing in the MUR zones.

It should be noted that the City can waive building permit fees for the fees the City imposes. These fees include the permit, plans review, zoning, surface water, fire review, critical area review, plumbing, and mechanical. The City cannot waive fees imposed by outside agencies

such as Washington State, Seattle Public Utilities, Ronald Wastewater, North City Water District, Seattle City Light, and telecommunication companies.

In addition, the City has yet to determine the fee in lieu of construction of mandatory affordable units in the MUR 45' and MUR 70' zones. Therefore, to avoid confusion language has been added to clearly state that fee in lieu of constructing mandatory affordable units is not an option until such time as the Council approves a fee in lieu of formula.

A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) provisions for accessory dwelling units, and (c) projects which are limited by the critical areas requirements.

1. Density for land subject to the provisions of this section may be increased by up to a maximum of 50 percent above the underlying base density when each of the additional units is provided for households in these groups:
    a. Extremely low income – 30 percent of median household income;
    b. Very low income – 31 percent to 50 percent of median household income;
    c. Low income – 51 percent to 80 percent of median household income;
    d. Moderate income – 80 percent of median household income;
    e. Median household income is the amount calculated and published by the United States Department of Housing and Urban Development each year for King County.
    (Fractions of 0.5 or greater are rounded up to the nearest whole number).

2. Residential Bonus Density for the Development of For-Purchase Affordable Housing. Density for land subject to the provisions of this section may be increased above the base density by the following amounts: (fractions of 0.5 or greater are rounded up to the nearest whole number):
    a. Up to a maximum of 50 percent above the underlying base density when each of the additional units or residential building lots are provided for households in the extremely low, very low, or low income groups.

3. A preapplication conference will be required for any land use application that includes a proposal for density bonus.

4. Residential bonus density proposals will be reviewed concurrently with the primary land use application.

5. All land use applications for which the applicant is seeking to include the area designated as a critical area overlay district in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified consultant and the City to address the requirements of the critical area overlay district chapter, Chapter 20.80 SMC, Critical Areas.

B. The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units from market rate housing units is prohibited.

C. Prior to the final approval of any land use application subject to the affordable housing provisions, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the affordable dwellings that are created pursuant to those sections remain affordable housing for a period of 30 years from the commencement date. The commencement date for for-purchase units shall be the date of settlement between the developer and the first owner in one of the applicable income groups. The commencement date for rental units shall be the date the first lease agreement with a renter in one of the applicable income groups becomes effective. The applicant shall be responsible for the cost and recording of the covenant.

D. When dwelling units subject to this section will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the Director.

E. If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the Director.

F. In subdivisions where the applicant intends to sell the individual unimproved lots, it is the responsibility of the applicant to arrange for the affordable units to be built.

G. In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling.

H. A development fee waiver may be approved by the Director for City imposed fees based on the percentage of affordable housing units to be constructed or remodeled that will be affordable to residents whose annual income does not exceed 60 percent (60%) King County Area Median Income. The development fee waiver will be commensurate with the percentage of affordable units in the development.

Amendment # 16
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' zone. 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	Height may be increased above 70 ft.; may be eligible for 12-year property tax exemption (PTE) upon authorization by City Council and no density limits.	May be eligible for 12-year property tax exemption (PTE) upon authorization by City Council; and entitlement of 70 ft. height and no density limits.	May be eligible for 12-year property tax exemption (PTE) and permit fee reduction upon authorization by City Council; entitlement of 45 ft. height and no density limits.	May be eligible for 12-year property tax exemption (PTE) and permit fee reduction upon authorization by City Council and no density limits.
Studio, 1 bedroom	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms	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	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.		

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

2. Payment in lieu of constructing mandatory units is available upon City Council's establishment of a fee in lieu formula. See subsection (E)(1) of this section

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 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 this program by City Council.

…

E. **Alternative Compliance.** The City's priority is for residential and mixed use developments to provide the affordable housing on site. The Director, at his/her discretion, may approve a request for satisfying all or part of a project's on-site affordable housing with alternative compliance methods proposed by the applicant. Any request for alternative compliance shall be submitted at the time of building permit application and must be approved prior to issuance of any building permit. Any alternative compliance must achieve a result equal to or better than providing affordable housing on site.

1. **Payment in Lieu of Constructing Mandatory Affordable Units.** Payments in lieu of constructing mandatory affordable housing units (when available) is subject to the following requirements:

a. The in-lieu fee is set forth in Chapter 3.01 SMC, Fee Schedules. Fees shall be determined at the time the complete application for a building permit is submitted using the fee then in effect.

b. The fee shall be due and payable prior to issuance of any certificate of occupancy for the project.

c. The City shall establish a housing program trust fund and all collected payments shall be deposited in that fund.

2. Any request for alternative compliance shall demonstrate all of the following:

a. Include a written application specifying:

i. The location, type and amount of affordable housing; and

ii. The schedule for construction and occupancy.

b. If an off-site location is proposed, the application shall document that the proposed location:

i. Is within a one-mile radius of the project or the proposed location is equal to or better than providing the housing on site or in the same neighborhood;

ii. Is in close proximity to commercial uses, transit and/or employment opportunities.

c. Document that the off-site units will be the same type and tenure as if the units were provided on site.

d. Include a written agreement, signed by the applicant, to record a covenant on the housing sending and housing receiving sites prior to the issuance of any construction permit for the housing sending site. The covenant shall describe the construction schedule for the off-site affordable housing and provide sufficient security from the applicant to compensate the City in the event the applicant fails to provide the affordable housing per the covenant and the Shoreline Municipal Code. The applicant may request release of the covenant on the housing sending site once a certificate of occupancy has been issued for the affordable housing on the housing receiving site. (Ord. 706 § 1 (Exh. A), 2015).

F. **Permit Fee Waiver.** A development fee waiver may be approved by the Director for City imposed fees for an affordable housing project that constructs or remodels units that are affordable to residents whose annual income does not exceed 60 percent (60%) King County Area Median Income. The development fee waiver will be commensurate with the percentage of affordable units in the development.

Amendment # 17
20.40.400 Home occupation

Justification – This amendment is to clarify that any vehicular parking associated with the home occupation must be accommodated on site, not just customer and employee parking. The issue comes up when home occupations have large vehicles such as limos that they park on the street, which creates a negative impact in the neighborhood.

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.
Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).

C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting;

3. Parking and storage of heavy equipment; and

4. On-site metals and scrap recycling.

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for each nonresident FTE employed by the home occupation(s); and

2. One stall for patrons when services are rendered on site.

F. Sales shall be by appointment or limited to:

1. Mail order sales; and

2. Telephone or electronic sales with off-site delivery.

G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;

2. Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.

3. Parking for the vehicle(s) must be provided on site, in accordance with parking design standards and dimensional requirements under SMC 20.50.390, 20.50.410 and 20.50.420. Such parking spaces must be in addition to those required for the residence.

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or

2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or

3. Fluctuations in line voltage off premises; or

4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

J. One sign not exceeding four square feet may be installed without a sign permit. It may be mounted on the house, fence or freestanding on the property (monument style). Any additional signage is subject to permit under Chapter 20.50 SMC.

K. All home occupations must obtain a business license, consistent with Chapter 5.05 SMC. Note: Daycares, community residential facilities, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

Amendment # 18
SMC 20.40.410 Hospital and SMC 20.40.450 Medical office/outpatient clinic

Justification – Hospitals: This amendment deletes the indexed criteria requirement for hospitals and medical offices to be located only as a re-use of a surplus nonresidential facility. Regarding Hospitals: The index criteria are very unusual. The City does not have a definition for a "surplus" nonresidential facility. Staff recommends that the reference to allowing hospitals only as a reuse of a surplus nonresidential facility, 20.40.410(A) be deleted. SMC 20.40.410(A) applies to R-4 through R-48 zones; Town Center -4 and Neighborhood Business.

Medical offices: Staff recommends that the reference to allowing medical office/outpatient clinics only as a reuse of a public school facilities or a surplus nonresidential facility 20.40.450(A) be deleted. SMC 20.40.450(A) applies to R-4 through R-48 zones; and Town Center -4. A Conditional Use permit is required to locate a medical office/outpatient clinic in these zones in addition to the index criteria

Questions – Hospitals: Is a Conditional Use permit the appropriate mechanism to locate hospitals in these zones in addition to the index criteria. The next question is should hospitals be allowed uses in these zones at all? If yes, then does the Conditional Use Permit offer enough protection to the predominant development in these zones? Should hospitals be regulated differently in Neighborhood Business zones? For example, hospitals could be prohibited in all of the residential zones including Town Center-4, but allowed through a Conditional Use Permit in Neighborhood Business.

Medical Offices: Should a medical office/outpatient clinic be an allowed use in the R-4 through R-48 zones; Town Center -4 and Neighborhood Business zones? If yes, then does the Conditional Use Permit offer enough protection to residential development in these zones? Should medical offices/outpatient clinics be regulated differently in from low density residential development in medium and high residential development zones? For example, medical offices/outpatient clinics could be prohibited in R-4-12, but allowed through a Conditional Use Permit in R-18-R-48.

20.40.410 Hospital.
~~A. When located in residential, office and neighborhood business zones, allowed only as a re-use of a surplus nonresidential facility; and~~
B. No burning of refuse or hazardous waste; and
C. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.450 Medical office/outpatient clinic.
A. ~~Only allowed in residential zones as a re-use of a public school facility or a surplus nonresidential facility; and~~
B. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

Amendment # 19
20.40.535 Transitional Encampment ~~Tent city~~.

Justification – Transitional Encampments (formerly Tent Cities) have been in the city for about 5 years. With each new encampment come neighborhood concerns regarding traffic and unlawful

behavior. The City wants to refine the current standards to reasonably and reliably ID residents and check for sex offenders and people with warrants.

A. Allowed only by temporary use permit.

B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.

C. The applicant shall utilize only government-issued identification such as a valid driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sherriff's Office Communications Center.

D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.

E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The Applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

Amendment # 20
20.50.020 Dimensional requirements.

*Justification – This amendment is privately initiated. The applicant's application and justification letter is attached as **Attachment B.** Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area used to calculate density and/or minimum lot sizes can be reduced if property dedications are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding the proposed exemption language is intended to help property owners and developers realize the same development potential if the City requires dedications.*

The proposal is to add a footnote (13) to Table 20.50.020 next to density and minimum lot area. Footnote 13 allows an applicant to reduce minimum lot area and allow for the density to be calculated prior to the dedication of city facilities as part of the development.

The issue with this concept is it would allow for the creation of substandard sized lots and/or exceed maximum densities in some zones. Also, a property owners buildable area on a smaller lot is less since all other development regulations must be met such as building coverage, hardscape, setbacks, and building height.

Amendment # 21 is a related and conflicting amendment. Amendment #21is a warning to property owners that states, "All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations. Note: If a dedication is required in accordance with SMC 20.70 the portion of the site to be dedicated is not included in this calculation".

If the Commission is supportive of Amendment #20 then Amendment #21 should be withdrawn or recommended for denial to the Council.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) <u>(13)</u>	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)	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. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	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	35 ft (40 ft with pitched	35 ft (40 ft with pitched	35 ft

					roof)	roof)	roof) (8)	
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%

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 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 if dedication of facilities to the City as defined in SMC 20.70.

SMC 20.50.020

C. All areas of a site may be used in the calculation of base density (prior to any dedication for city facilities as required in 20.70), except that submerged lands shall not be credited toward base density calculations.

Amendment # 21 [ALTERNATIVE for Amendment #20]
20.50.020 Dimensional requirements.

Justification – Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area can be reduced if property dedications are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding this language is intended to help alert property owners and developers of this possibility.

B. **Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1).

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3 acres site: 2.3 x 6 = 13.8
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3 acres site: 2.3 x 24 = 55.2
The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site: (13,999/43,560 = .3214 acres) so .3214 X 6 = 1.92. The base density for single-family detached dwellings on this site would be one unit.

Example #4 – R-6 zone, 14,400-square-foot site (14,400/43,560 = .331 acres) so .331 X 6 = 1.986. The base density for the site would be two units.

C. All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations. Note: If a dedication is required in

accordance with SMC 20.70 the portion of the site to be dedicated is not included in this calculation.

Amendment # 22
Table 20.50.020(3) – Dimensions for Development in Commercial Zones

Justification – This is to clarify that freestanding solar power systems will not penalize the applicant in terms of hardscape, and to give credit for rooftop solar arrays and intensive green roof systems as an incentive. Note that "intensive" green roofs function like permeable ground in terms of drainage and heat island mitigation as opposed to "extensive" green roofs that are shallower and less likely to provide the same function in the long run.

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

Commercial Zones				
STANDARDS	**Neighborhood Business (NB)**	**Community Business (CB)**	**Mixed Business (MB)**	**Town Center (TC-1, 2 & 3)**
Min. Front Yard Setback (Street) (1) (2) (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	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	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	65 ft	70 ft
Hardscape	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.

Amendment # 23
20.50.240 Site design.

Justification for 20.50.240(C)(1)– This amendment clarifies that site frontage section to reflect that the requirement for developing is in the commercial and Mixed Use Residential zones and not abutting them. Also, SMC 20.50.240(C)(a) is a redundant statement. This requirement only applies to development on private property, not public property.

Justification for 20.50.240(F)(6)(g)– The City wants to encourage accessory uses at light rail stations and high capacity transit centers and stations and associated parking*. By requiring accessible water and power, uses such as coffee carts, food trucks, and other amenities can serve the commuting public.*

This amendment does not make it a requirement for amenities to be at the station, it only requires that the infrastructure is there if and when Sound Transit or other transit providers including the City allows vendors to be at these public places.

SMC 20.50.240

C. **Site Frontage.**

1. Development in ~~abutting~~ 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 if on private property. 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;

F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place

maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:

    a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
    b. Pedestrian access to abutting buildings;
    c. Pedestrian-scaled lighting (subsection H of this section);
    d. Seating and landscaping with solar access at least a portion of the day; and
    e. Not located adjacent to dumpsters or loading areas;
    f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.
    g. Publically accessible water and electrical power supply shall be supplied at high capacity transit centers and stations and associated parking.

Amendment #24
--NOT recommended by Planning Commission

Amendment #25
20.50.390 Minimum off-street parking requirements – Standards.

Justification – The retail and mixed trade use in the special nonresidential parking table SMC 20.30.390(D) is duplicative of the retail trade use in the general nonresidential parking standards SMC 20.30.390(C). Retail trade has the same meaning as mixed trade and does not restrict the uses allowed in both categories. In both cases the parking ratio is 1 parking space per 400 square feet of floor area.

A. Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in Tables 20.50.390A through 20.50.390D.

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
Government/business services uses:	1 per 500 square feet
Manufacturing uses:	.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site.
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
~~**Retail and mixed trade:**~~	~~**1 per 400 square feet**~~
Self-service storage:	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

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Amendment #26
20.50.400 Reductions to minimum parking requirements.

Justification – Staff wants to ensure that the use of this parking reduction is carefully applied and consistently meets the intent of the Planning Commission and City Council. Some of the current criteria for granting a parking reduction do not have a direct relationship to parking demand. Criteria have been amended to include measures that decrease parking demand.

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

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

2. Shared parking agreement with nearby parcels within reasonable proximity where ~~and~~ land uses ~~that~~ do not have conflicting parking demands. The number of onsite parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.

3. Parking management plan according to criteria established by the Director. ~~High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.~~

4. A City approved Residential Parking Zone (RPZ) for the surrounding neighborhood within ¼ mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
~~Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.~~

5. A h~~H~~igh-capacity transit service stop ~~available~~ within ¼ mile of the development property line with complete city approved curbs, sidewalks, and street crossings ~~a one-half mile walk shed~~.

6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.

7. City approved traffic calming or traffic diverting facilities to protect the surrounding single family neighborhoods within ¼ mile of the development. ~~Concurrence with King County Right Size Parking data, census tract data, and other parking demand study results.~~

~~8. The applicant uses permeable pavement on at least 20 percent of the area of the parking lot.~~

B. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

C. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.

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

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

F. Parking reductions for affordable housing may not be combined with parking reductions identified in subsection A of this section. (Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

Amendment #27
20.50.410 Parking design standards.

Justification – This amendment moves the allowance for compact parking stalls from Subsection D to Table 20.50.410 (E). The more logical location for the requirement for compact stalls is at the bottom of table 20.50.410(E) where he dimensions for compact stalls are located. In Subsection F, the subject section has been taken to mean that these are the minimums for any parking angle. The proposed amendment adds clarity that these aisle dimensions are only for those parking angles not listed in the table.

Justification for 20.50.410(F) – The subject section has been taken to mean that these are the minimums for any parking angle. The proposed amendment adds clarity that these aisle dimensions are only for those parking angles not listed in the table.

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.

C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.

D. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.750.

E. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve;

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve; and

~~4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.~~

Exception 20.50.410(E)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

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 ~~Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide.~~ 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.

Table 20.50.410F – Minimum Parking Stall and Aisle Dimensions

A	**B**	**C**	**D**	**E**		**F**	
Parking Angle	**Stall Width *(feet)***	**Curb Length *(feet)***	**Stall Depth *(feet)***	**Aisle Width *(feet)***		**Unit Depth *(feet)***	
				1-Way	**2-Way**	**1-Way**	**2-Way**
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 12.0 12.0	20.0 20.0 20.0	** 29.0 30.0	** 37.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 10.0 10.0	20.0 20.0 20.0	** 42.0 44.0	** 53.0 54.0
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 12.0 12.0	20.0 20.0 20.0	** 50.0 51.0	** 58.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 18.0 18.0	20.0 20.0 20.0	** 58.0 60.0	** 60.0 62.0
90	8.0* Min. 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0	23.0 23.0 23.0	** 63.0 63.0	** 63.0 63.0

Notes:

* For compact stalls only. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

** Variable, with compact and standard combinations

Amendment #28
SMC 20.50.430 Nonmotorized access and circulation

Justification – This section is dated, repetitive or conflicting with the requirements in the more recently adopted SMC 20.50.240.E. This amendment is about walkways and pedestrian access and does not belong in the Parking section of the code.

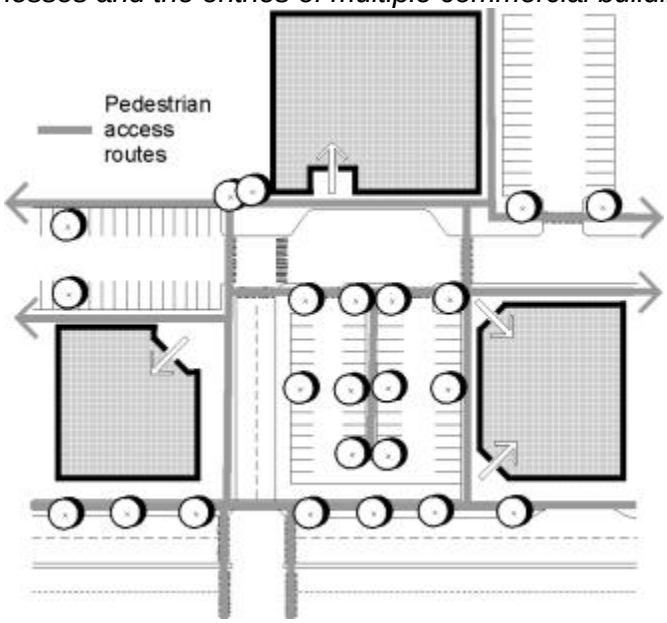
Delete SMC 20.50.430(A), SMC 20.50.430(B), SMC 20.50.430(C), and SMC 20.50.430(D) because SMC 20.50.180(B) and SMC 20.50.240(E) cover that requirement:

SMC 20.50.180(B)
A. To the maximum extent feasible, primary facades and building entries shall face the street.
B. The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.

SMC 20.50.240(E).
E. Internal Site Walkways.

> *1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent street sidewalks and Interurban Trail where adjacent (except in the MUR-35' zone).*
>
> > *a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;*

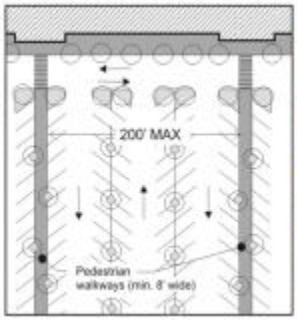
b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

c. Raised walkways at least eight feet wide shall be provided for every three, double-loaded aisles or every 200 feet of parking area width. Walkway crossings shall be raised a minimum three inches above drive surfaces;

d. Walkways shall conform to the Americans with Disabilities Act (ADA);



Parking Lot Walkway

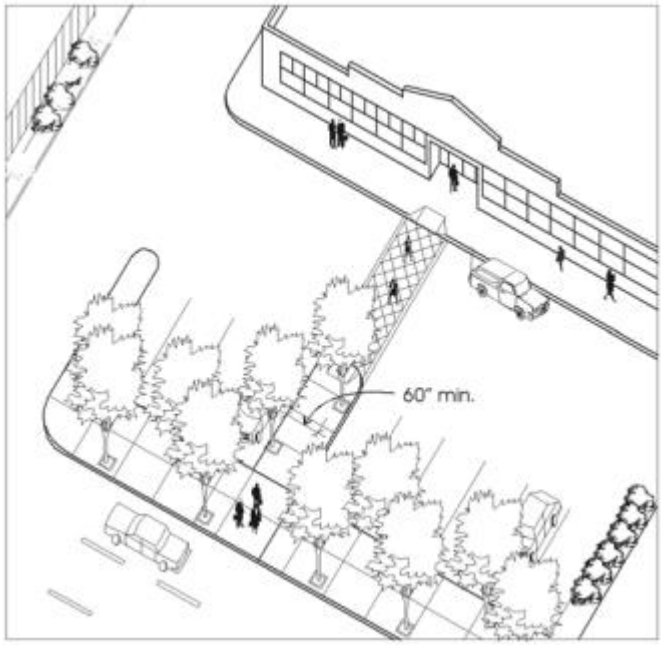
e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided per subsection (H)(1)(b) of this section.

~~20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.~~

~~A. Commercial or residential structures with entries not fronting on the sidewalk should have a clear and obvious pedestrian path from the street front sidewalk to the building entry.~~

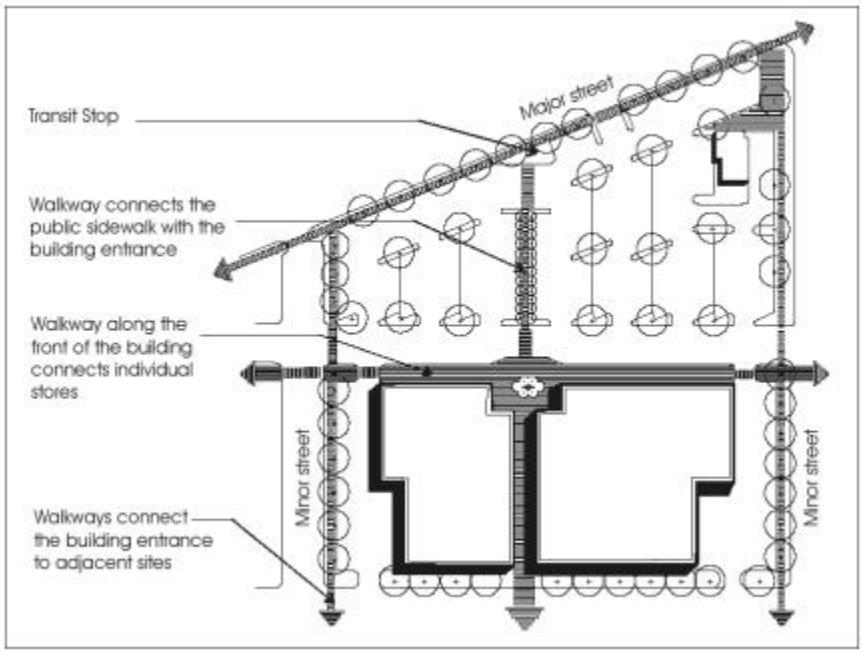
~~B. Pedestrian paths should be separate from vehicular traffic where possible, or paved, raised and well marked to clearly distinguish it as a pedestrian priority zone.~~

~~C. The pedestrian path from the street front sidewalk to the building entry shall be at least 44 inches wide for commercial and multifamily residential structures, and at least 36 inches for single-family and duplex developments.~~



~~Figure 20.50.430(C): Landscaped walkways connect the public sidewalk with the entrance to a building set back from the street.~~

~~D. Provide pedestrian pathways through parking lots and connecting adjacent commercial and residential developments commonly used by business patrons and neighbors.~~



~~Figure 20.50.430(D): In this commercial site, landscaped walkways provide pedestrian connections. These walkways provide a safe, accessible pedestrian route from the street to the building entry and to neighboring properties.~~

~~(Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(C-1), 2000).~~

Amendment #29
20.50.480 Street trees and landscaping within the right-of-way – Standards.

Justification – This amendment is an administrative correction. The City adopted the Engineering Development Manual in 2012 which replaced the Engineering Development Guide. This is a reference that did not get updated.

C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Manual ~~Guide~~ including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list.

Amendment #30
20.60.140 Adequate streets.

Justification – There is currently an inconsistency between the adopted Development Code and the Transportation Master Plan. The code says "or" where it should say "and".

The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

A. Level of Service. The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; ~~or~~and
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These level of service standards apply throughout the City unless an alternative level of service for a particular street or streets has been adopted in the Comprehensive Plan Transportation Element.

Amendment #31
20.60.140 Adequate streets.

Justification – This amendment will add a Level of Service standard for pedestrians and bicycles. The City will experience a growing number of uses that will increase the number of pedestrians and cyclist throughout the City. These new uses include two light rail stations, redevelopment of Aurora Square, Point Wells, and various large apartment projects. It should be incumbent upon a developer to make sure a certain project meets not only LOS for vehicles but also LOS for pedestrians and bicyclists.

20.60.140
The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

A. **Level of Service.** The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; or
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.
These level of service standards apply throughout the City unless an alternative level of service for a particular street or streets has been adopted in the Comprehensive Plan Transportation Element.

3. Pedestrian and Bicycle LOS within the Station Subareas shall be LOS D or better.

Pedestrian Level of Service (LOS) shall be evaluated for each direction along all arterial streets within a quarter mile radius of the light rail station. Pedestrian LOS for sidewalks shall be evaluated using Steps 6 & 7 from the Highway Capacity Manual (HCM) 2010, Chapter 17. In the absence of sidewalks, Pedestrian LOS shall be determined using Exhibit 17-4 from the HCM. Each link within the quarter mile radius shall be evaluated. For questions regarding link boundaries, contact the City Traffic Engineer.

Amendment #32
20.70.320 Frontage improvements.

Justification – This clarification is necessary to state that detached single family residential dwellings are not required to install frontage improvements. The City made this change in 2010 and the following is an excerpt from that staff report:

Comprehensive Plan policy T35 provides that development regulations "require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks." This policy provides clear

direction relative to the types of projects that must install sidewalks aka frontage improvements. The authority for mitigation of the impacts on infrastructure for this level of development is provided in the Revised Code of Washington (RCW) and through the use of the City's substantive authority under SEPA. This policy was developed after the adoption of the Development Code and does not extend to individual single family dwellings.

For determining the level of impact of development, the RCW defines "development activity" as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. In reviewing current regulations a nexus cannot be drawn to demonstrate that the level of mitigation required for development or redevelopment of an existing platted single family lot is reasonably related to the development. Nor can it be demonstrated that this level of development "creates additional" demand and need for public facilities.

During the Commercial Consolidation Development Code amendments, Staff inadvertently changed the language to what is shown below. The intent was always to exempt the replacement, addition, or remodel of single family residential from the frontage requirements in SMC 20.70.320(C)(1)

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit.

3. For subdivisions;

4. For development consisting of more than one dwelling unit on a single parcel (Accessory Dwelling Units are exempt) or

5. One detached single family dwelling in the MUR zones.

Amendment #33
20.80.060 Permanent field marking

Justification – This amendment is an administrative correction updating the Department and the Departments phone number.

A. All critical areas tracts, easements or dedications shall be clearly marked on the site using permanent markings, placed every 300 feet, which include the following text:

This area has been identified as a <<INSERT TYPE OF CRITICAL AREA>> by the City of Shoreline. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Please

contact the City of Shoreline Department of Planning & Community Development (206) 801-2500 ~~546-1811~~ for further information.

Amendment #34
20.100.020 Aurora Square Community Renewal Area.

Justification – The CRA will amend specific standards of the Development Code. Those standards will include signage, transition, and frontage improvements. At this time, staff is only proposing to change the transition standards. The CRA is adjacent to three streets that are wider than the typical Shoreline street. Aurora Avenue, Westminster Way and N 155th Street are all wider than 100 feet wide. The City's consultant on the CRA Planned Action studied three transition options and applied those options to four sites in the CRA. The results of that study are included as ***Attachment E.*** *Staff believes that the regulations that apply specifically to the CRA should be all in one place of the code to make it less confusing.*

Sections:
20.100.010 First Northeast Shoreline Recycling and Transfer Station Special District.
20.100.020 Aurora Square Community Renewal Area (CRA)

20.100.010 First Northeast Shoreline Recycling and Transfer Station Special District.
A. This chapter establishes the long-range development plans for the Shoreline Recycling and Transfer Station formerly referred to as the First Northeast Transfer Station Special District.
B. The development standards that apply to this special district were adopted by Ordinance No. 338 on September 9, 2003. A copy of the standards is filed in the City Clerk's office under Receiving Number 2346.

20.100.020 Aurora Square Community Renewal Area
A. This chapter establishes the development regulations specific to the CRA.
1. Transition Standards – Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.

Please complete the following: Property address 205 N Richmond Beach Rd.

Applicant for Amendment 20.50.020(1) Rick Crosby

Address 6209 202nd St S.W. City Lynnwood State Wa. Zip 98036

Phone 206 914 1992 Email rick@carefreehomesinc.com

PLEASE SPECIFY: Shoreline Development Code Chapter 20.50.020(1) Section _____

AMENDMENT PROPOSAL: Please describe your amendment proposal.

See attached

REASON FOR AMENDMENT: Please describe your amendment proposal.

Carefree Homes, Inc. re 205 Richmond Beach Road, Permit Application# 122869

Code Amendment Proposal 20.50.020(1), Densities and Dimensions in Residential zones.

Currently the City of Shoreline code states that the lot square footage for density calculations will be made after the city right of way dedications are made. I propose it would be better for me and the citizens of Shoreline to dedicate the land for public right of ways *after* the property is improved or subdivided. To be clear this would comply with dedications that are required by the city for widening existing city streets as per Shoreline Development Code # 20.70.120; this would not apply to a new road or right of way a developer or contractor would propose in a new subdivision. Further, the city has informed me that if this were a single lot, and the required dedication would result in the lot being a sub-standard lot, they would still issue a building permit even though the lot would otherwise be smaller than zoning code would allow. The City would get the dedication required, and the land owner would not lose the value and use of the land.

Reason for Code Amendment

My specific case is this. I own the property located on the SW corner of 1st Ave NW and NW Richmond Beach Road. Currently it is in the R6 zone. I have owned the property since 2005, for approximately 10 years. When I bought it in 2005, it would yield 6 building sites. In the following 8 years or so, I was unable to begin development of the lots. In December 2014, I submitted complete civil and structural plans for 6 units. The city had determined that my application was complete. After the city's review of the project, I was informed by the city that one of the conditions for final approval would be to dedicate 5 feet of frontage along the entire length of Richmond Beach Road to meet the new Shoreline Development Code #20.70.120. Richmond Beach Road, one of the roads specifically mentioned in the new code, lies along the North side of my property. If such dedication must be done *before* the lots are approved for development, that would make my property approximately 400 feet short of yielding 6 building sites. The loss of one building lot would impose a great burden on me because I would need to do the same amount of infrastructure and improvements to the property, but I would lose a building site at a cost to me of approximately $250,000.00

Decision Criteria Explanation

The project I initially proposed is in accordance with the comprehensive plan. Other than imposing the dedications *before* the lots are approved, all the other regulations and requirements would still be adhered to. In addition, I have personally been a resident of the City of Shoreline for 28 years, and I have raised my family here. From the beginning, I have been active in providing "infill" housing in Shoreline which I feel has been in the best interests of the citizens and a positive factor in the growth of the city. It seems to me this amendment I have proposed would allow my site development project to be "grandfathered" since the new Shoreline Development Code #20.70.120 was enacted in 2011 after I purchased this property; the city could still get the dedication needed along Richmond Beach Road after the lots were approved, and I would not lose the value and use of an entire building site.

Amendment Will not adversely affect the public welfare.

This project will meet all City, State and Federal regulations. The project will have the same layout and appear the same as proposed. This code amendment would allow other property owners in similar circumstances to maximize the value in their property, and the city would get the dedications required. Your consideration will be greatly appreciated. R Crosby for Application# 122869

Council Meeting Date: August 3, 2015 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Fee Waiver for Affordable Housing
DEPARTMENT:	Community Services
PRESENTED BY:	Rob Beem, Community Services Manager
ACTION:	____ Ordinance ____ Resolution ____ Motion
	__X_ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently, in the planning, zoning and Development Code for the 185th Street Station Area.

Cities have the authority to waive certain building and development fees in order to encourage the development of affordably priced housing. In implementing any such program there are policy choices regarding income limits/affordability targets, geographic focus, fit with other incentives, type of developer the program applies to (non-profit only or all developers), fees affected and level of waiver granted. Implementing this program will require amendments to the Development Code and the Fee Schedule. State statute requires the Planning Commission to review and recommend any Development Code amendments.

Staff is bringing this item to Council for discussion and direction on the policy issues prior to the Planning Commission's review. Should Council wish to proceed with the fee waiver, the matter will be directed to the Planning Commission and brought back to Council in the fourth quarter of 2015 for action.

RESOURCE/FINANCIAL IMPACT:

The chart in Attachment A illustrates the range of potential costs to implement this program. At the high end, 100% of the City imposed fees could be waived if all units in a project meet the City's affordability requirements. For example, this would have equated to $96,218 in permit fees for the Ronald Commons. If the waiver were applied to the private developments to be built under the Station Area regulations the cost ranges from $147/unit to $190/unit. Using these developments as an example and assuming that the waiver applies to just 20% of the units, this equates to foregone revenue of $21,000 - $28,500 for a 150 unit building. Development of even all three of these prototype projects would result in foregone revenue of approximated $150,000.

The City's overall permit revenue has averaged $1.29M per year in the past three years. In this unlikely event, this would equate to roughly 12% of total fee revenue.

In the past decade, there have only been two new housing developments, Polaris and Ronald Commons, where 100% of the units are affordable and therefore 100% of the fees could potentially have been waived. Prior to that, Compass Housing's Veterans Center, which was constructed over 10 years ago, was the next most recent project that would have met this threshold. Given the nature of the affordable housing development market, it is unlikely that Shoreline would be home to another such development in less than five years. These projects take a minimum of three years to pull together and are very visible as they go through the funding and review process, and therefore staff should be able to anticipate workload and budget impacts of such projects

There are also several ways that the financial impact of this program can be either limited or moderated if the program is adopted. These include placing a cap on the fees waived annually, adjusting the percentage of fees waived or limiting the program to housing at 60% Adjusted Median Income (AMI) and below. Staff does not see the need to further mitigate any impacts this would have but seeks Council's direction as to limits for this waiver program. Ultimately, the cost is shifting general fund revenue from other areas to support affordable housing.

RECOMMENDATION

Staff recommends that Council discuss the affordable housing fee waiver program and refer this matter to the Planning Commission for a public hearing, review and recommendation of the affordability level and other conditions for application of a fee waiver for affordable housing.

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

INTRODUCTION

Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

If the Council is interested in adding this tool to help further incentivize affordable housing development in Shoreline, the basic policy choice in front of the Council is whether to develop a program that benefits housing developed primarily with government funding, such as Housing Trust fund, Community Development Block Grant (CDBG) or other local, state or federal housing funds, or whether to make this waiver available to all affordable housing as defined by the City? The latter principally includes a percentage of housing typically developed as part of increased density provisions of the Development Code or with the PTE.

Staff is bringing this item to Council to seek direction whether Council would like to further explore the development of this program and, if so, what the scope of the fee waiver program should be. This discussion is intended to provide guidance for staff and the Planning Commission regarding the Council's policy preferences and, where necessary, to identify questions Council would like to see answered or choices to be

explored in greater depth. The following sections of this staff report identify elements to be considered in shaping a fee waiver program.

BACKGROUND

In the past year, the City has been approached by affordable housing developers seeking local support for their projects. Specifically, they have asked the City to explore the potential for waiving permit fees. Currently, the City has no provision allowing this to occur. In the same time frame, the City Council has taken action to support the development of affordable housing through the 185th Station Area planning process, the adoption of the Transportation Impact Fee (TIF) with provisions for affordable housing and amendments to the PTE program requiring affordability. And most recently the City Council has initiated action to exempt qualified service agencies from the payment of TIF fees in their entirety.

Under the Growth Management Act, the City has the option of enacting an affordable housing incentive program which includes fee waivers. Pursuant to RCW 36.70A.540(1)(a)(iii), a fee waiver or exemption is one type of incentive that the City can offer. These incentives can be through development regulations or as conditions on rezoning or permit decisions, or both, as in the Station Area. In establishing an incentive program the City needs to determine if it will keep the income level for rental units at 50% or less of the county median as set in State Statute or adopt a different level. If set at a different level, the City may do so after holding a public hearing. Other elements of the program are left to the discretion of the City.

The City's Comprehensive Plan and Housing Strategy support the use of fee waivers to encourage and support the development of affordably priced housing. Waivers are an effective way to reduce the development costs for affordable housing and can be seen by the developer and other funders as a sign of the City's strong policy and financial support for a project. As an element of Station Area planning, the Development Code has been updated to include strong incentives for the development of affordably priced housing within the 185th Station Area. Because fee waivers can have citywide application, they were not considered as an element of the Station Area planning.

DISCUSSION

The City assesses fees for building and development permits. Some fees are collected for the City and some for other jurisdictions and permit authorities. For purposes of this discussion we are only addressing fees that the City assesses.

Should the Council wish to proceed with this fee waiver, the implementing action will be in the form of an amendment to the Development Code. The Planning Commission must review and recommend such amendments to the City Council. If directed, the current schedule has the Planning Commission considering these amendments this fall and bringing them to Council late in the year.

Income Limits for the Waiver
State Statute enables cities to enact incentive programs that benefit projects seeking to provide rental housing affordable to households earning less than 50% of the Area Median Income (AMI). In Shoreline this equates to a household income of $31,400 for a one person household and $44,800 for a four person household. However, as noted above, cities have the authority to adopt a different AMI percentage threshold (higher or lower) and must hold a public hearing before doing so.

The 50% AMI threshold does not align with the income levels set for the City's other incentives nor does it reflect the realities of other funding support for affordable housing development. The City's own and other County and State direct funding programs set the ceiling for participation at 60% AMI. The various existing incentives the City uses apply differing income thresholds ranging from 60% AMI to 80% AMI. The policy choice then is whether to limit the waiver to 50% or 60% AMI and below or to increase the ceiling to match other City programs.

Within the housing development industry the divide between what is considered to be publicly financed or privately financed housing occurs at affordability levels of 60% AMI. Projects that are affordable to people earning 60% AMI and less are typically funded through the public sector. They utilize local, state, federal and private grants, direct contributions and some loans to accomplish this, as their ability to finance debt for these projects is extremely limited. The 60% AMI threshold is the highest limit for state and county financing programs such as the State Housing Trust Fund and King County Housing Program. Projects with rents affordable above this level generally have access to private capital.

With both the PTE and the increased density contained in the Station Area regulations, the City has sought to provide incentives to spur the development of housing within the conventionally-financed private market. These projects do not seek other direct public support. This is generally assumed to be housing that is marketed at rents affordable to those earning at least 70% of AMI. Typically, these projects do not receive other public funding in the form of direct investment, such as CDBG.

The practical impact of setting the income threshold at 60% AMI is to focus the program on the segment of the housing market that is being developed principally with governmental resources. However, setting the threshold at 70 or 80% AMI would make the fee waiver available to some projects financed in the private market. It would also allow the waiver to be applicable to many of the affordable units developed within the Station Area. Given these trade-offs, staff recommends that if an affordable housing permit fee waiver program is developed, that a 60% AMI threshold is used for affordability.

Waiver Eligibility – All Developers or Not-for-Profits Only
When cities allocate funds or set up programs to achieve human services goals they frequently limit eligibility for the program to not-for-profit organizations. This is done to assure that the program's long term benefits will remain in place as they are secured by

the organization's mission and purpose. Thus, an additional policy question before Council is whether this waiver should be available to any project that meets the affordability targets or only to not-for –profits.

When the waiver of the TIF for affordable housing was first being considered, the waiver was proposed to be limited to non-for profit entities only. Testimony from the King County Housing Authority and the Housing Development Consortium indicated that this limitation would exclude entities engaged in developing affordable housing that had other corporate structures. Ultimately the TIF was amended to provide a fee waiver for Housing Authorities. The Housing Development Consortium noted that there were entities working in partnership with non-profits to develop housing that met the affordability targets but that were not under the IRS code for non-profits. At the time there was not sufficient information available and Council decided to keep the TIF waiver limited to non-profit organizations.

Limiting the waiver to non-profits will result in a program that primarily benefits development at the 60% AMI and government funded portion of the market. The intent of this limitation would be to ensure that the benefits of this waiver accrue to developers who have an agency mission to develop and maintain affordable housing. To the extent that such a provision is meant to provide a long term assurance of affordability this limitation is not necessary. In all instances where government funding is used, developers enter into an agreement that is recorded and follows the property. This type of agreement is also used in our PTE and the Station Area density bonus programs. This is a straight forward approach and result in more affordable housing units being developed. And should the program include application to developments meeting higher income thresholds, such a limitation would interfere with those developments. Based on this, staff recommends that if an affordable housing permit fee waiver program is developed that it allow a broader range of entities to develop affordable housing and not limit the waiver to not-for-profits.

Stand Alone or In Addition to Other Incentives

The City offers a number of incentives to encourage development of affordable housing. Given this, a key policy question is whether the waiver should be applied to projects that are also making use of other incentives or should it apply only if other incentives are unavailable or unusable?

Table 1 below shows the variety of incentives available. Some are available in certain zones only, such as PTE and in the 185th Street Station Area. Others, such as parking reductions and waiver of the TIF, are available citywide. Thus in the Station Area a development could take advantage of all these tools to increase affordability. In other areas, only one may be available. It is unlikely that a project will not be able to utilize at least one of the incentives. Most non-profit affordable housing developers construct projects that are tax exempt and therefore will not benefit from the use of PTE. They will however be able to benefit from the TIF waiver. It is unlikely that a project which would qualify for a fee waiver would not also qualify for another incentive.

Table 1 – Affordable Housing Incentives

Incentive	Income Target	Term of Affordability	Area of Application
Property Tax Exemption (PTE)	70% AMI	12 Years	Certain Areas
Reduced Parking	60% AMI	30 – 99 Years	Citywide
Increased Density	70-80% AMI	99 Years	185th Station Area
TIF Exemption	60% AMI	30 – 99 Years	Citywide
Direct Investment	60% AMI	50	Citywide

Additionally, the table in Attachment A, which is a comparison of fee waivers, impact fees and PTE incentives, shows the potential fee waiver's value, though significant, is worth far less than other incentives. Thus, making it a condition that a development could only use if it did not use another incentive would virtually eliminate its effectiveness and use. Staff therefore recommends that if an affordable housing permit fee waiver program is developed that it be structured to be used in conjunction with other incentives.

The City charges fees at the time of application for a building permit. These fees cover the City's cost for review and inspection of the development. They typically represent slightly less than 1% to 1.5% of the construction value of a project. Using recent developments the chart in Attachment A models the effect of the proposed permit fee waiver, the PTE and TIF waiver for affordable housing were applied to these projects. Note that this is an illustration only and that none of these projects were assessed all these fees, nor have they requested the PTE. The top three developments are all private, conventionally financed developments. For purposes of this illustration staff has assumed that they were being built in a station area and subject to the requirement that 20% of the units be affordable. The two projects at the bottom of the table are being developed by non-profits or governmental organizations. These entities are already exempt from property tax and thus the PTE does not provide a special benefit.

New Construction Only or Remodel/Renovation?

A significant element of the City's Housing Strategy involves preserving existing affordable housing. Recent examples of this include the King County Housing Authority's properties such as the Westminster, 18026 Midvale and Paramount House, each of which have had significant renovation work done. These preservation and renovation projects are typically financed with public funding. This comes in the form of grants, subsidized low cost loans or tax credits. When the Housing Authority purchased the Westminster, the City provided CDBG funds, and the renovation of 18026 Midvale was funded with grants from the federal government. Staff recommends that if an affordable housing permit fee waiver program is developed that it be applied to renovation projects where the owner/developer is able to provide long term guaranteed assurances of affordability.

Application in Mixed Income Developments
If this waiver is intended to apply in the Station Area it will apply to mixed income projects. Should this waiver apply to all units, as does the PTE or just to the units meeting income targets? The PTE, which is available in the Station Area, is structured so that a developer meeting the affordability requirements is able to apply the PTE to the entire building. The policy intent is to assist and stimulate the development of affordable housing. As such, staff recommends that the waiver, if applied at all, only apply to units that meet affordability guidelines. Thus in the Station Area the 20% of units built that meet affordability standards would be eligible for this waiver.

RESOURCE/FINANCIAL IMPACT

The chart in Attachment A, illustrates the range of potential costs to implement this program. At the high end 100% of the City imposed fees would have been waived for Ronald Commons at a cost to the City of $96,218. If the waiver were applied to the private developments to be built under the Station Area regulations the cost ranges from $147/unit to $190/unit. Using these developments as an example and assuming that the waiver applies to just 20% of the units, this equates to foregone revenue of $21,000 - $28,500 for a 150 unit building. Development of even all three of these prototype projects would result in foregone revenue of approximated $150,000. The City's overall permit revenue has averaged $1.29M per year in the past three years. In this unlikely event this would equate to roughly 12% of total fee revenue.

In the past decade, there has only been one new housing development, Ronald Commons that would meet the 100% waiver threshold. Prior to that Compass Housing's Veterans Center constructed over 10 years ago was the next most recent project that would have met this threshold. Given the nature of the affordable housing development market, it is unlikely that Shoreline would be home to another such development in less than five years. These projects take a minimum of three years to pull together and are very visible as they go through the funding and review process. Should there be concern that the waiver will have a significant impact on overall permit revenues there will be sufficient time to evaluate and to adjust to this circumstance.

There are also several ways that the financial impact of this program can be either limited or moderated if the program is adopted. These include placing a cap on the fees waived annually, adjusting the percentage of fees waived or limiting the program to housing at 60% AMI and below. Staff does not see the need to further mitigate any impacts this would have but seeks Council's direction as to limits for this waiver program.

SUMMARY

In implementing a fee waiver program the Council is being asked to consider a number of elements to such a program. Should Council wish to proceed with development of this program, the Planning Commission will review and recommend a final proposal reflective of Council's direction.

The overall policy goal of the proposed program is to apply the waiver in such a way as to support and encourage the development and retention of housing that is affordable to households earning at least up to 60% of AMI. This discussion also presents the option of extending this program to affordability levels of 80% of AMI, which would allow its application to mixed income developments within the Station Area. Such a program may operate with other incentive programs. There appears to be little need to limit the applicability of this waiver to non-profit entities as the City's interest in long term affordability will be secured by recording documents that run with the property.

In summation, staff recommends that Council initiate an affordable housing fee waiver program that:

- has a 60% AMI threshold for affordability,
- is available to both non-profit and for-profit developers,
- can be used in conjunction with other affordable housing incentives,
- can be used for both new construction and remodels/renovations,
- only applies to units that meet the affordability requirements and not to the entire development if some of the units in a development are market rate, and
- is available citywide.

RECOMMENDATION

Staff recommends that Council discuss the affordable housing fee waiver program and refer this matter to the Planning Commission for a public hearing, review and recommendation of the affordability level and other conditions for application of a fee waiver for affordable housing.

ATTACHMENTS

Attachment A: Comparison of Fee Waivers, Impact Fees and PTE Incentives

HOUSING DEVELOPMENT consortium

East King County Cities: Incentive Zoning Programs

Jurisdiction	Geographic Focus	Set Aside Minimum	Required Participation	Incentives Offered	Income Targeting (AMI)		In-Lieu Fee
					Rent	Owner	
Kirkland	**Commercial zones, high-density residential zones, medium density zones, office zones**	**10% of units (including base)**	**Yes**	**Height bonus, bonus units, density bonus, and fee exemptions**	**60-70% AMI**	**70-100% AMI**	**Based on cost of construction vs. revenue generated**
Bellevue	**New multifamily residential developments**	**None**	**No**	**One bonus market-rate unit per affordable unit**	**Up to 80% AMI**	**Up to 80% AMI**	
Bel-Red, Bellevue	All Bel-Red Land Use Districts	None	No	Density bonus	Up to 80% AMI	Up to 100% AMI	$18/sq. ft
Central Issaquah Density Bonus Program	**Central Issaquah⁺**	**20% of density bonus sq. ft.**	**No**	**Density bonus**	**50% AMI**	**60% AMI**	**$15/sq. ft of density bonus**
Central Issaquah Urban Core*	Central Issaquah Urban Core⁺	10% of units (including base)	Yes	Exemption from various impact fees	80% AMI for first 300 units, 70% after	90% AMI for first 300 units, 80% after	For fractional units only
Redmond: Overlake District	**All new dwelling units**	**10% of units (including base)**	**Optional for first 100 units**** **Required after first 100 units****	**Density bonus of up to one story**	**80% AMI (if 50% or less, counts as two affordable units)**	**80% AMI (if 50% or less, counts as two affordable units)**	**Administrative order needed to calculate formula**
Redmond: Downtown	**All new dwelling units**	**10% of units (including base)**	**Yes**	**Density credit equal to sq. footage of affordable units**	**80% AMI (if 50% or less, counts as two affordable units)**	**80% AMI (if 50% or less, counts as two affordable units)**	**Administrative order needed to calculate formula**
Redmond: Willows/Rose Hill, Education Hill, Grass Lawn, North Redmond	**All new single family attached and detached dwelling units**	**10% of units (including base)**	**Yes**	**1 bonus market-rate unit/affordable unit, impact fee waivers (depending on affordability)**	**80% AMI (if 50% or less, counts as two affordable units)**	**80% AMI (if 50% or less, counts as two affordable units)**	**Administrative order needed to calculate formula**
Redmond: Affordable Senior Housing Bonus***	**Any zoning district that allows retirement residents or multifamily housing**	**50% of housing or retirement residence units**	**No**	**Density bonus if 50% of units or more are affordable for seniors**	**50% AMI**	**50% AMI**	

*Developers can use the Density Bonus Program in addition to the mandatory Urban Core program

**Requirements are optional for the first 100 housing units built in the district. Each proposed development site may qualify for waiver of no more than 25 units of affordable housing.

***Senior Housing Bonus program is a special incentive program that can be used in addition to other programs

⁺Central Issaquah & Central Issaquah Urban Core identified on page 34 of Central Issaquah Plan - http://issaquahwa.gov/DocumentCenter/View/1139

BERK

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Seattle, WA 98121
www.berkconsulting.com

MEMORANDUM

DATE: March 9, 2015

TO: Dan Eernissee, Economic Development Director – City of Shoreline

FROM: Kevin Gifford, AICP – Senior Planner
Aaron Raymond – Associate Planner
Lisa Grueter, AICP – Planning Manager

RE: Aurora Square Transition Standards – Supplemental Height and Bulk Analysis

INTRODUCTION AND PURPOSE

This memorandum presents supplemental analysis of height and bulk associated with proposed modifications to the City of Shoreline's transitional area development regulations for the Mixed Business (MB) zone, as established in Chapter 20.50.021 of the Shoreline Municipal Code. The analysis presented in this memorandum responds to comments received on the Draft Planned Action Environmental Impact Statement (EIS) published for the Aurora Square Community Renewal Area (CRA) in December 2014 and can be incorporated into the Final EIS that will be published this spring, following Planning Commission direction on a Preferred Alternative. Alternatively or in addition, it can be folded into a separate code amendment process addressing Transition standards more generally.

The purpose of this analysis is to address comments received by two property owners within the CRA, requesting elimination or modification of the current development regulations that govern building heights in the MB zone when adjacent to, or directly across a street from, low-density residential zones (R-4, R-6, and R-8). The current standards require the application of upper-story setbacks at defined height intervals to minimize impacts associated with height, bulk, and scale. The commenters noted that, due to the large right-of-way widths in the CRA, up to nearly 200 feet in some locations, additional upper-story setbacks would be unnecessary and could be a burden on property owners. While the comments received were from two specific property owners, this analysis tests the potential impacts of this request, as well as an intermediate modification of the standards, compared with the current standards on all properties in the Aurora Square CRA that lie adjacent to R-4, R-6, and R-8 zones.

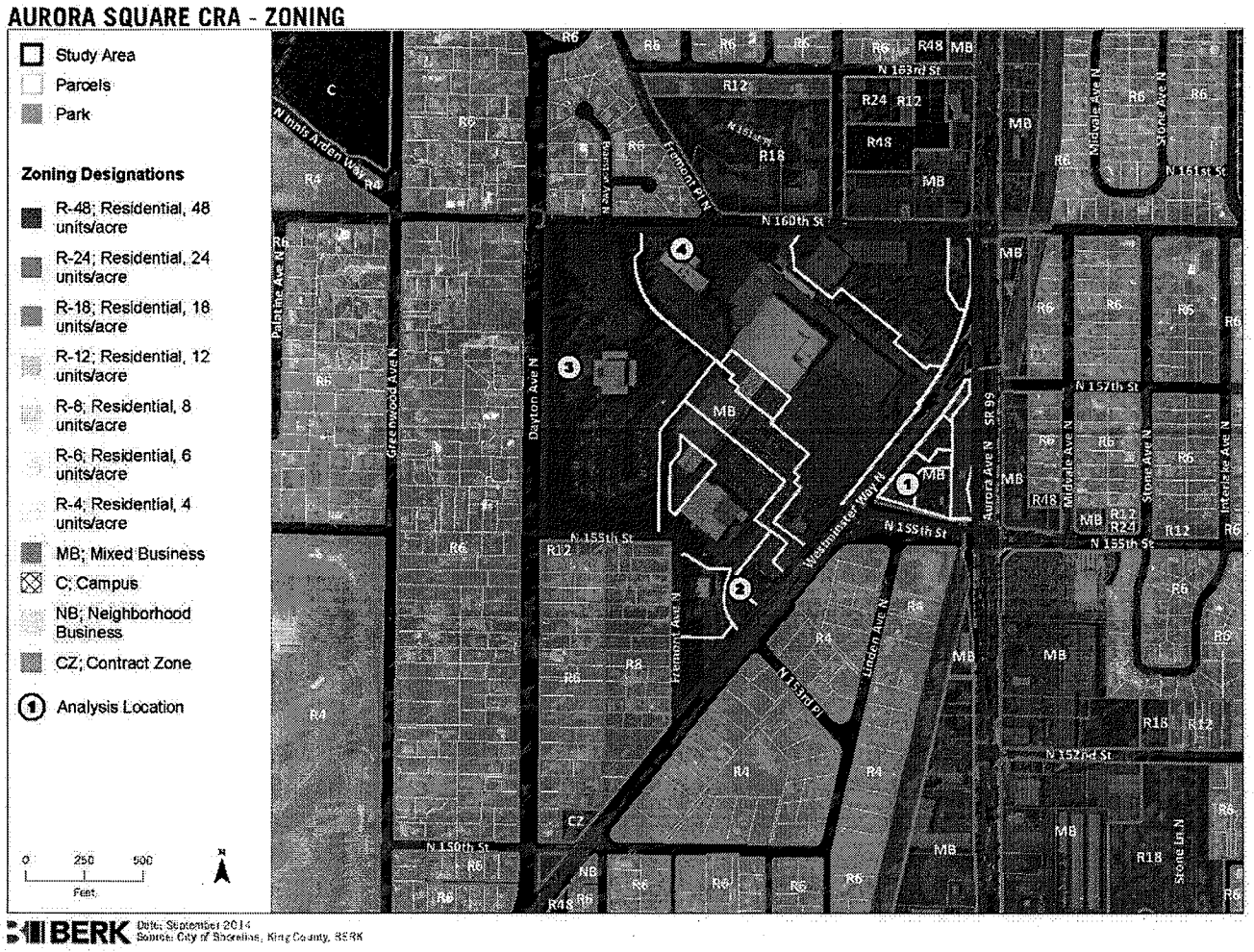
METHODOLOGY

Modeling Scenarios

Using available GIS data, BERK created a three-dimensional digital model of the Aurora Square CRA and surrounding areas, including parcel boundaries, site topography, and existing building footprints. Existing building heights were estimated based on Light Detection and Ranging (LIDAR) data collected by City of Shoreline.

As shown in Figure 1, low-density residential zoning surrounds the Aurora Square CRA to the northwest, west, and south. BERK selected four locations in the CRA for analysis to test varying topographical conditions and street right-of-way widths.

Figure 1. Current Zoning Map



Source: City of Shoreline, BERK Consulting 2015

At each of the identified locations, BERK constructed digital models of the maximum building envelope allowed under each analysis scenario, based on existing and proposed development regulations, incorporating required building setbacks, as wells upper-story stepbacks and height limits. The three test scenarios are summarized in the following sections.

Existing Regulations

This scenario modeled maximum building envelope allowed under adopted development regulations for the MB zone established in SMC Table 20.50.020(2) and the Transition Area requirements established in SMC 20.50.021. These included the following:

- Maximum building height of 65 feet;

- Minimum front yard setbacks of 15 feet where buildings would be located across rights-of-way from R-4, R-6, or R-8 zones, with the following exceptions:
    - Exception 2 to SMC Table 20.50.020(2) indicates that a 15-foot front setback is not required along rights-of-way classified as Principal Arterials. Analysis Locations 1 and 2 are located along segments of N 155th Street and Westminster Way N that are classified as Principal Arterials. Front yard setbacks along these streets were modeled as zero feet.
- Upper-Story Setbacks per SMC 20.50.021(A)
    - When R-4, R-6, or R-8 zoning is across a street right-of-way, maximum building height of 35 feet within the first 10 feet horizontally from the required setback line;
    - Additional upper-story setbacks of 10 feet each for every additional 10 feet in height, up to the allowed maximum height of 65 feet.

Transition Standard Elimination

This scenario modeled maximum building envelope using the same ground-level building setback requirements and height limits as Existing Regulations, but with no requirement for upper-story setbacks under SMC 20.50.021 (see Attachment 1).

Limited Transition Modifications

This scenario modeled an intermediate condition between existing regulations and complete elimination of the Transition Area standards. This scenario includes the same ground-level building setback requirements and height limits as Existing Regulations, as well as the following requirements:

- Maximum building height of 35 feet within the first 10 feet horizontally from the front-yard setback line.
- No additional upper-story setbacks required.

Modeling Assumptions

The digital models depicted in the Analysis Results section do not represent any proposed or approved building design. Rather, these massing models show maximum building envelope allowed by City development regulations. As such, these should be considered conservative projections.

ANALYSIS RESULTS

The results of digital modeling for each of the three scenarios are presented in the following sections. Each section provides figures showing maximum building envelope allowed at each analysis location, as well as models of nearby existing buildings. To estimate the potential for height and bulk impacts on surrounding residential development, each figure also illustrates shade and shadow conditions, based on early spring sun angles for the Puget Sound region. Due to seasonal variation in sun angles, shadows would be longer in winter months and shorter during the summer; because most out-of-door time would be between spring and fall, the spring timeframe was chosen as a conservative representation of shade and shadow effects.

Existing Regulations

As shown in Figure 2 through Figure 5, the combination of setbacks, upper-story stepbacks, and right-of-way widths are sufficient to minimize shading effects under existing regulations. In particular, R-4 properties along N 155th Street and Westminster Way N, near Analysis Locations 1 and 2, would benefit from wide rights-of-way and prevailing sun angles and would receive no shading from MB development.

R-6 development near Analysis Locations 3 and 4 would likewise receive very limited shading from MB development in the Aurora Square CRA. R-6 development across Dayton Avenue N would also benefit from a sharp grade change at the western edge of the CRA, which reduces the relative height of buildings on the Aurora Square site.

Figure 2. Existing Regulations – Analysis Location 1

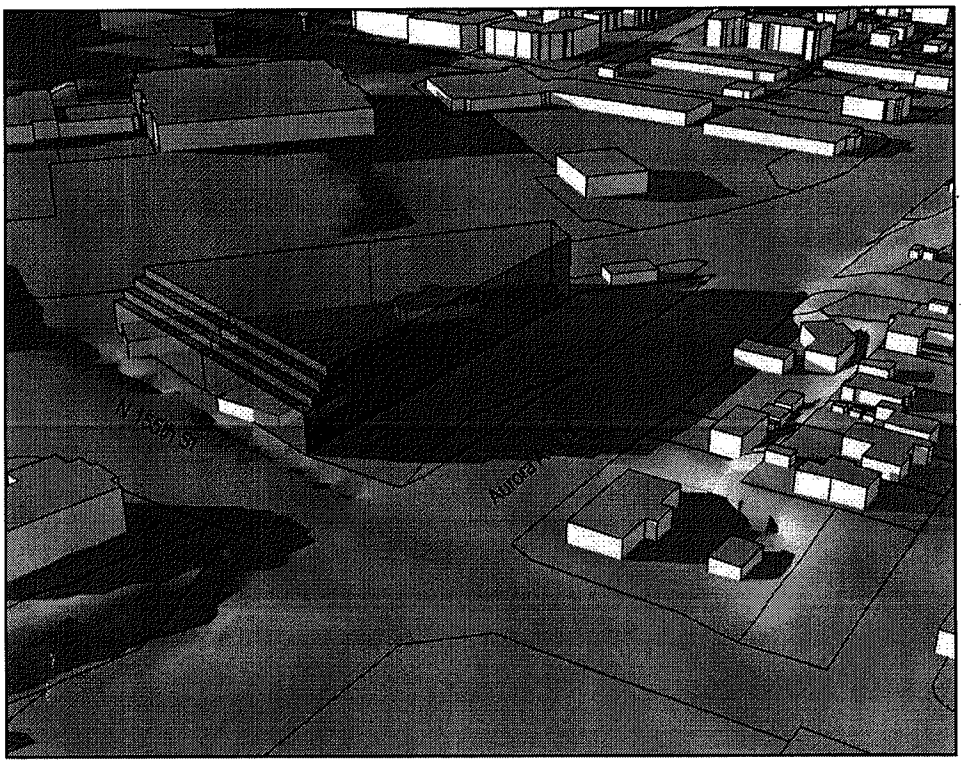


Figure 3. Existing Regulations – Analysis Location 2

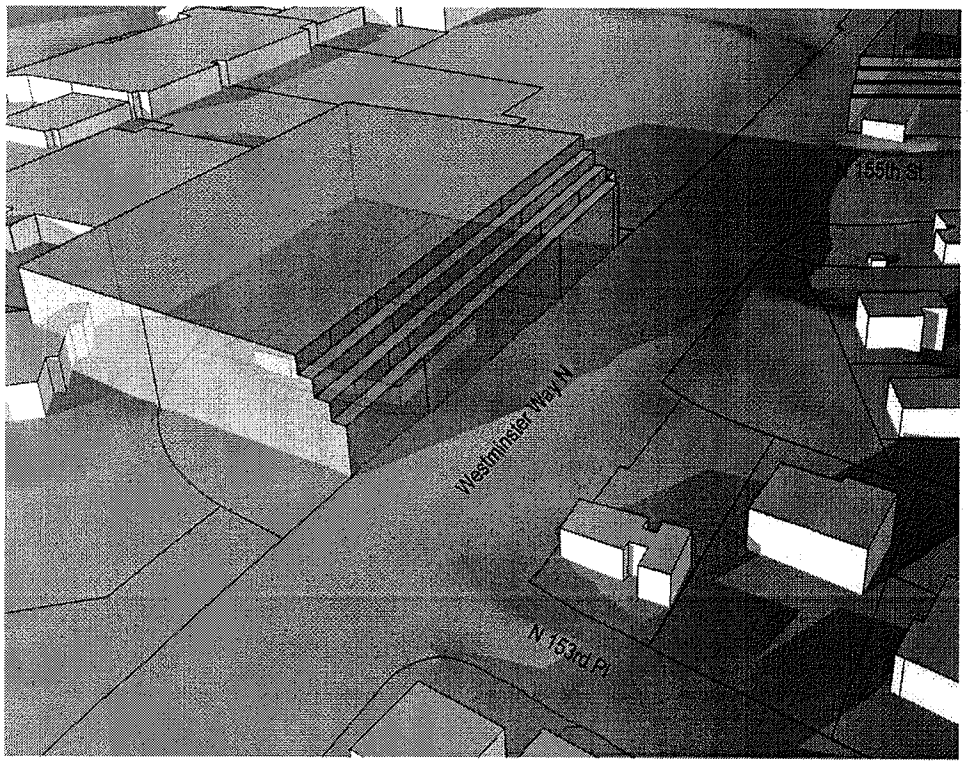


Figure 4. Existing Regulations – Analysis Location 3

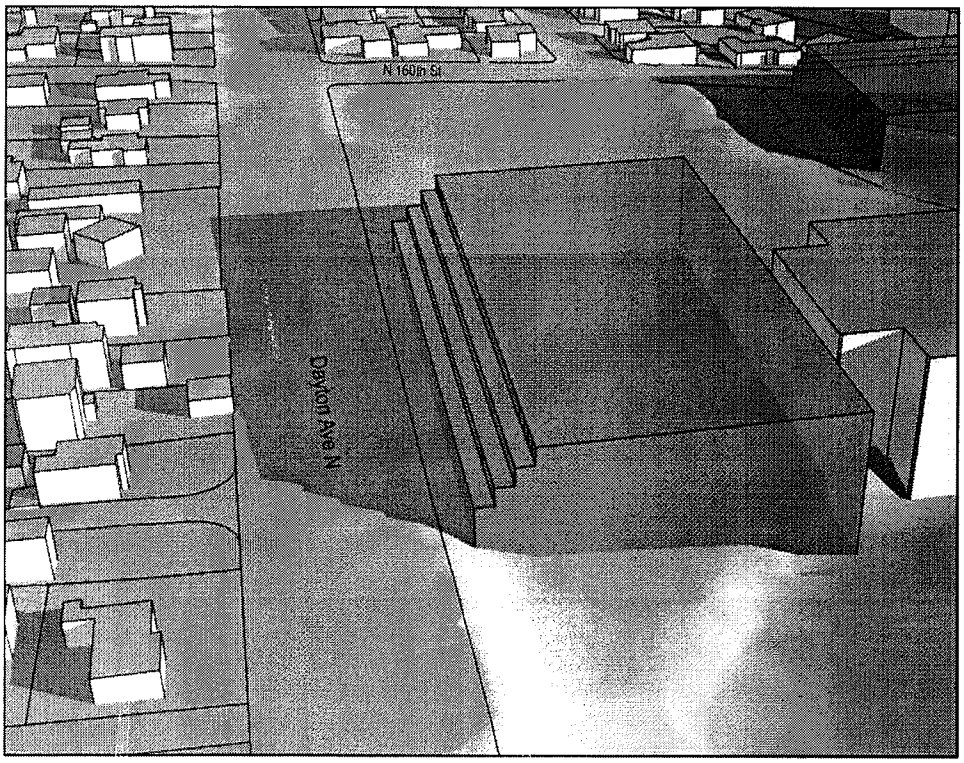
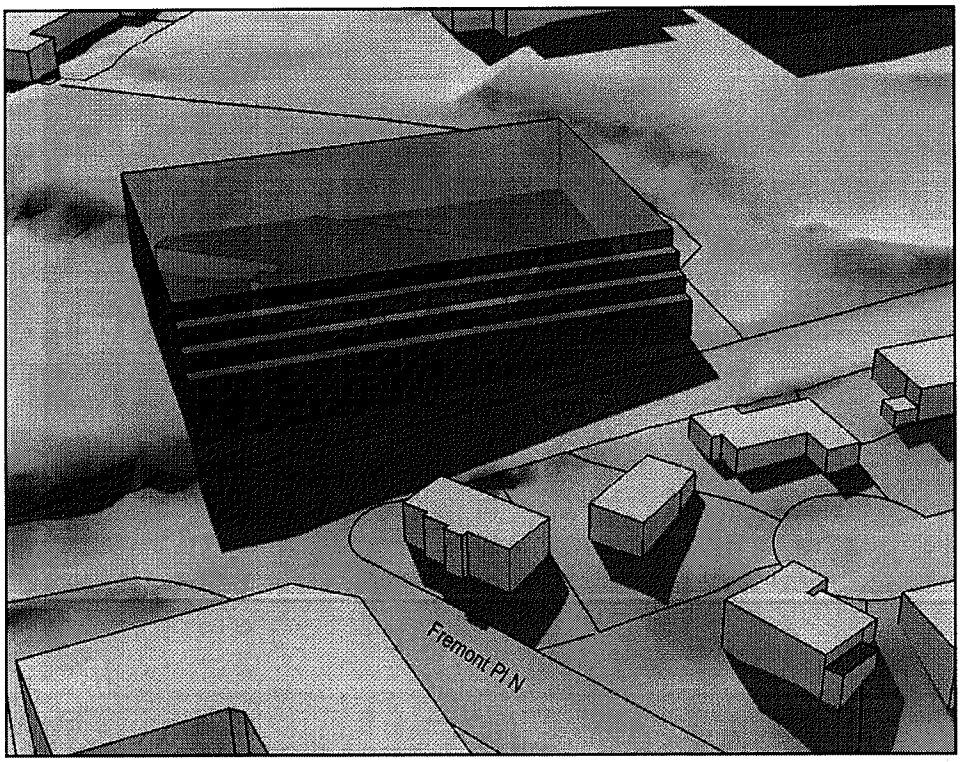


Figure 5. Existing Regulations – Analysis Location 4



Transition Standard Elimination

Eliminating the Transition Standard requirement for upper-story setbacks would slightly increase shading effects relative to existing regulations, as shown in Figure 6 through Figure 9. This increase would be most pronounced at Analysis Locations 3 and 4, where street rights-of-way are narrower than at Analysis Locations 1 and 2. The right-of-way of Dayton Avenue N at Analysis Location 3 is approximately 95 feet, and the right-of-way of N 160th Street at Analysis Location 4 is approximately 60 feet. Residential development near Analysis Locations 1 and 2 would experience no significant increase in shading under this scenario, primarily due to the large right-of-way widths associated with Westminster Way N and N 155th Street. However, some minor shading could occur at Analysis Location 3 during the early morning hours and at Analysis Location 4 in the early afternoon.

Figure 6. No Transition Standards – Analysis Location 1

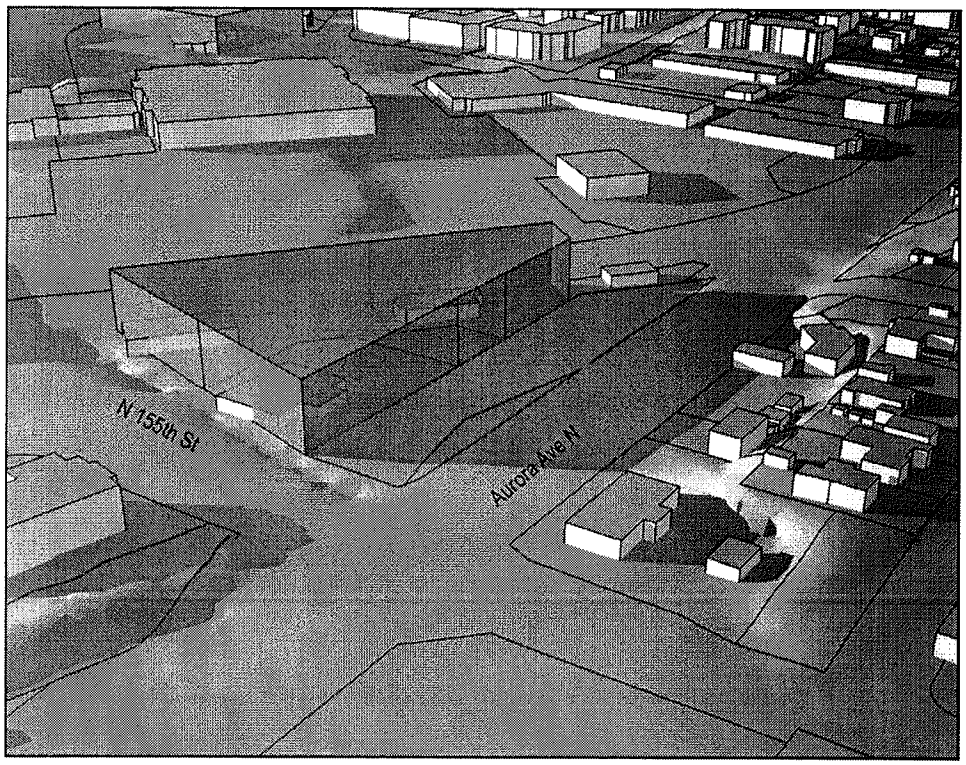


Figure 7. No Transition Standards – Analysis Location 2

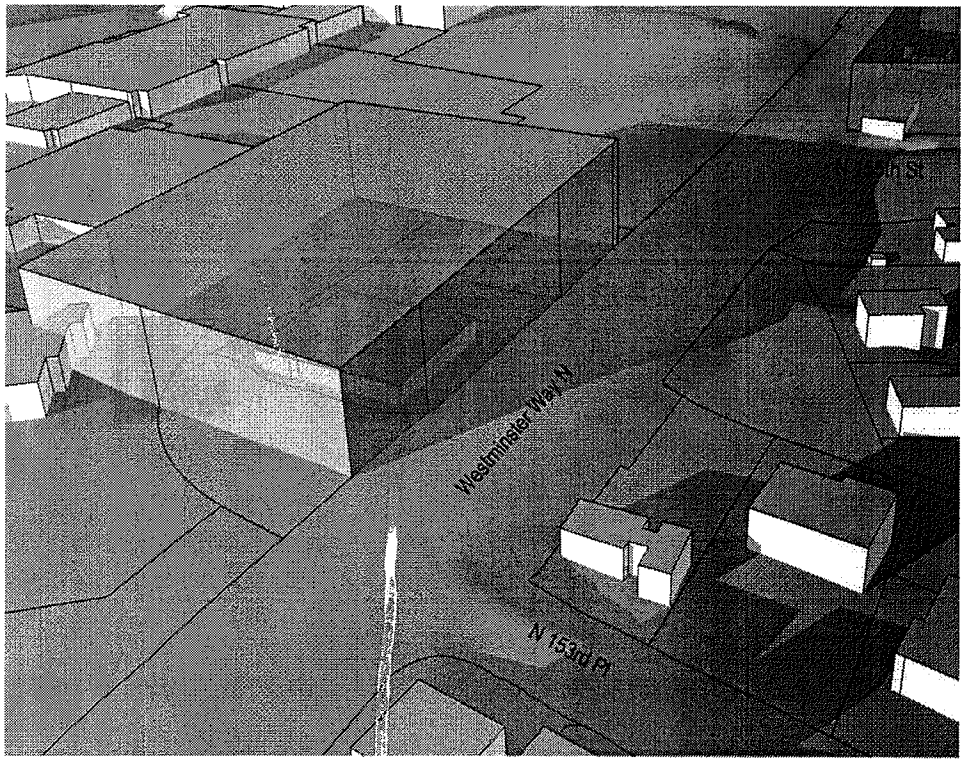


Figure 8. No Transition Standards – Analysis Location 3

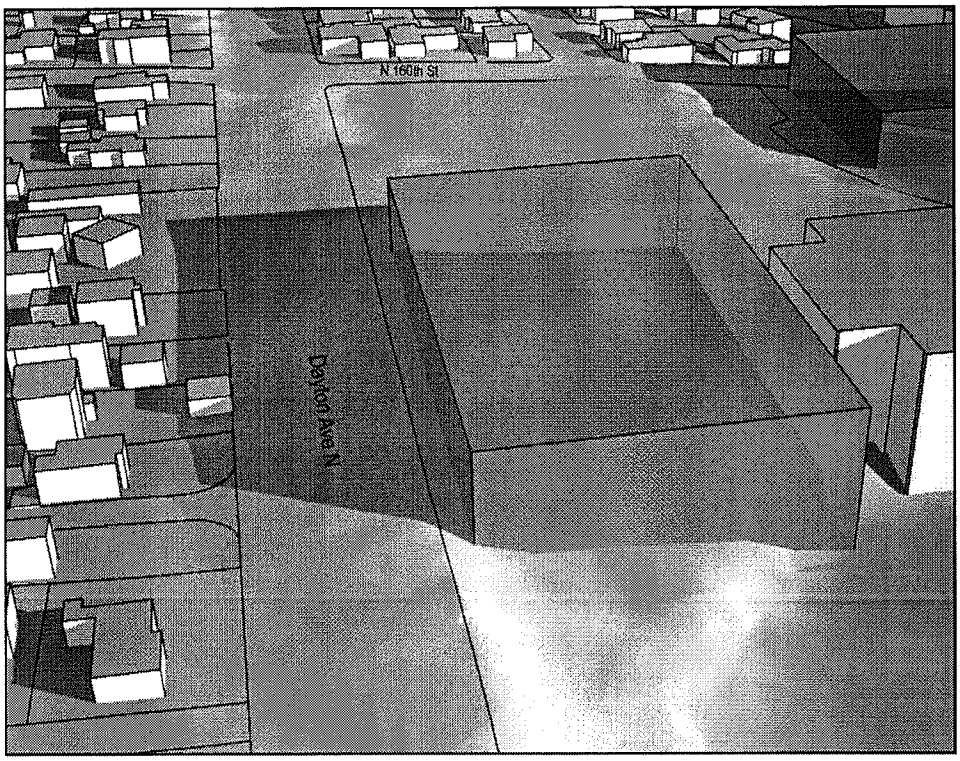
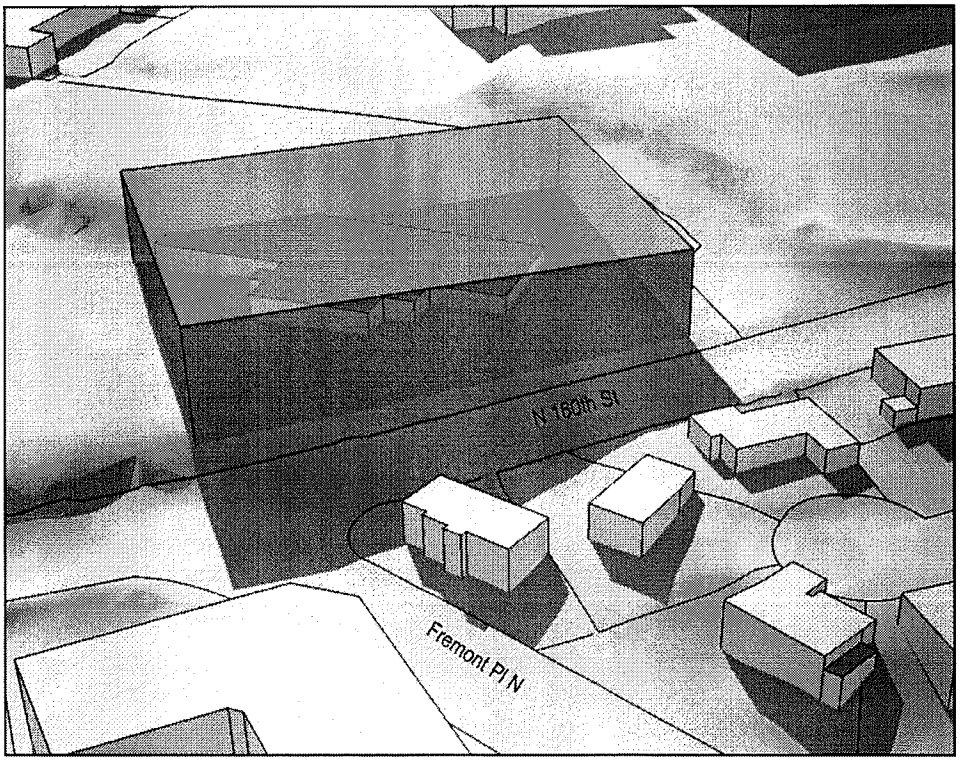


Figure 9. No Transition Standards – Analysis Location 4



Limited Transition Modifications

Predictably, limited modification of the Transition Standards to include a single upper-story stepback at 35 feet would result in shading effects within the range established by the previous two scenarios. In the areas most affected by elimination of the Transition Area standards (Analysis Locations 3 and 4), the limited modification scenario would still result in a similar increase in shading.

Figure 10. Limited Transition – Analysis Location 1

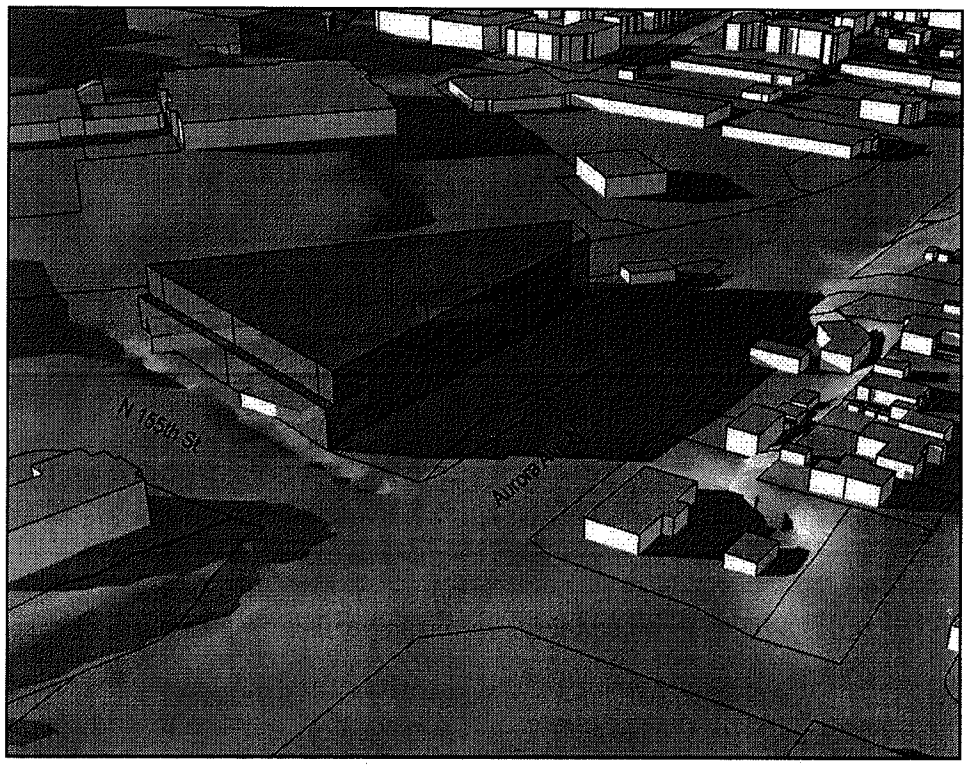


Figure 11. Limited Transition – Analysis Location 2

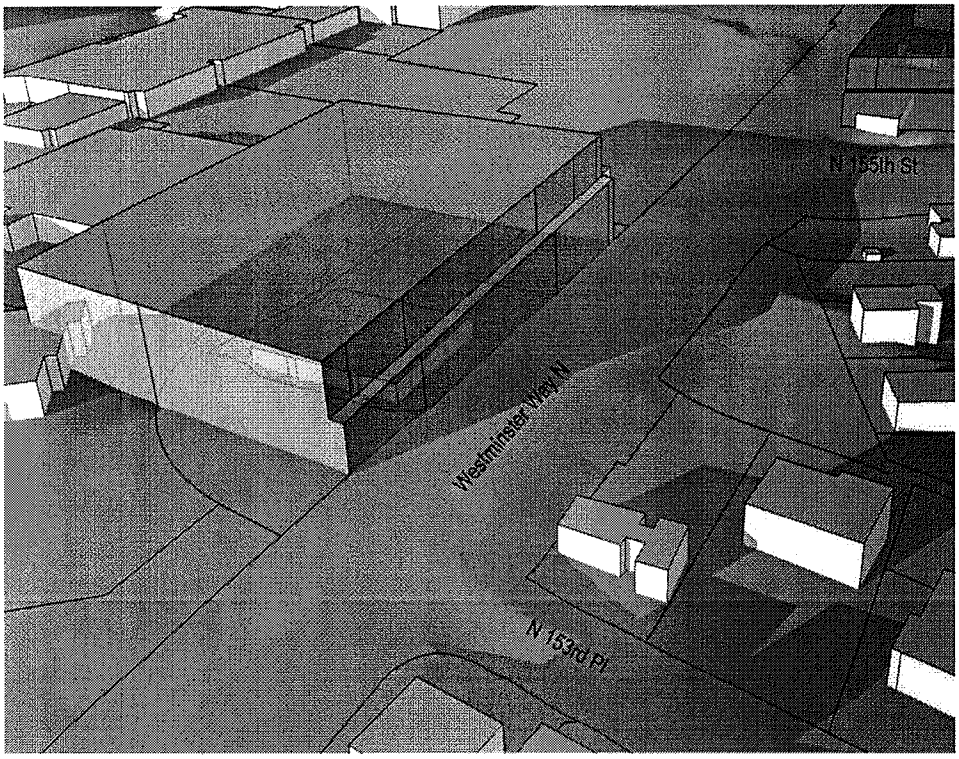


Figure 12. Limited Transition – Analysis Location 3

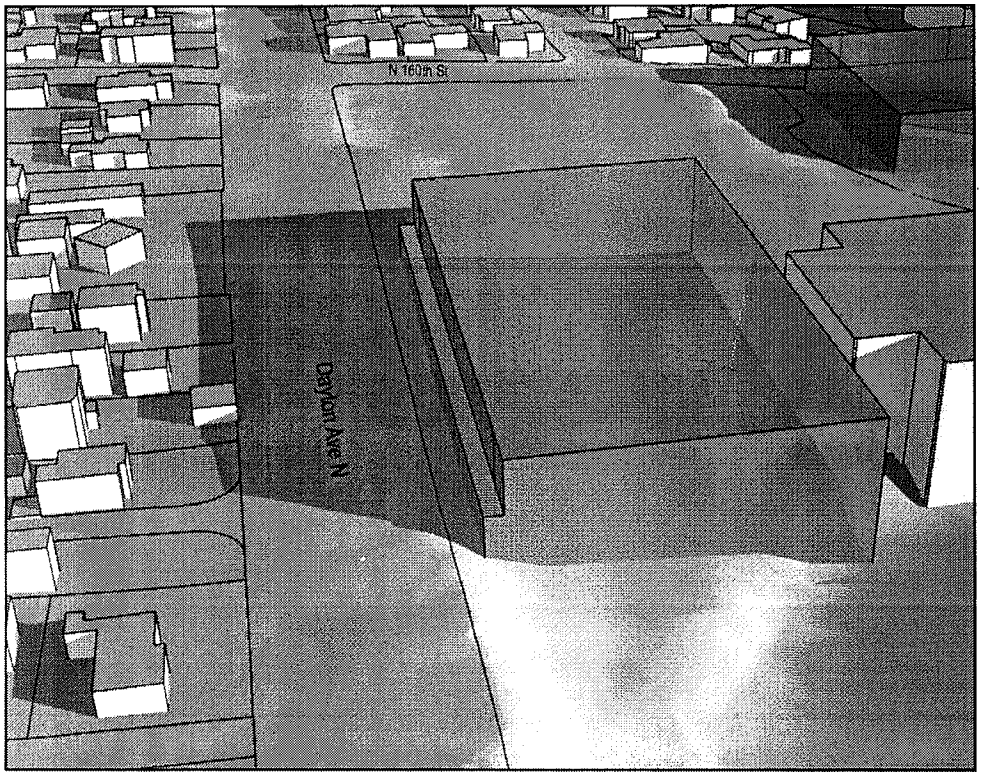
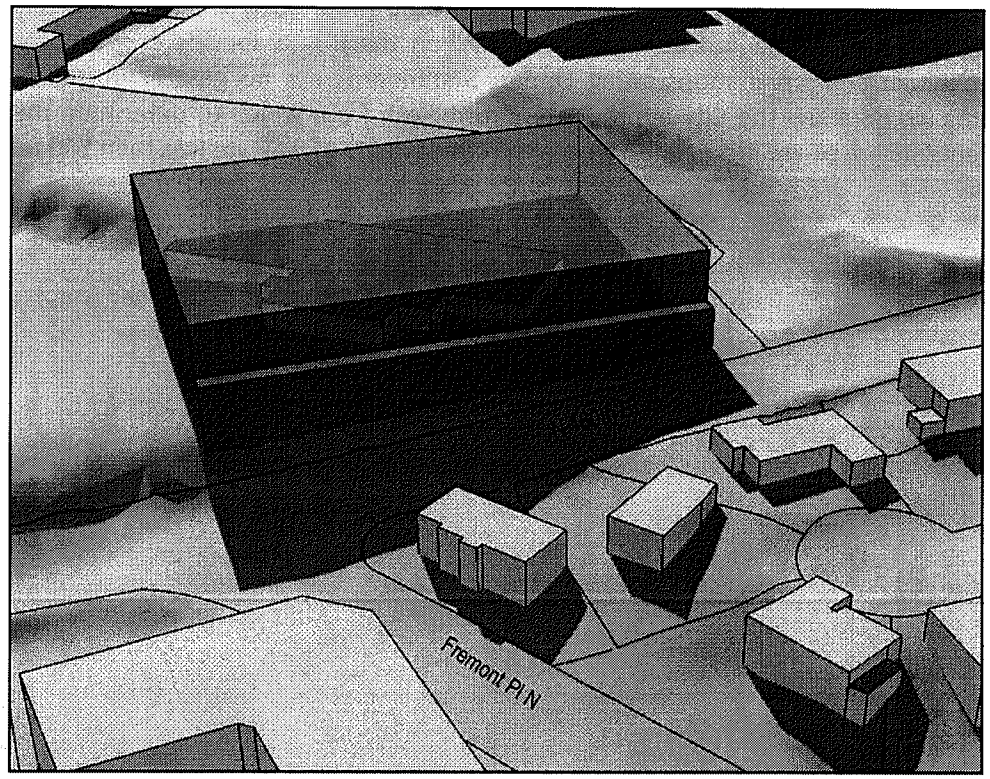


Figure 13. Limited Transition – Analysis Location 4



CONCLUSIONS AND RECOMMENDATIONS

Height, bulk, and shading effects associated with development on the Aurora Square site would be lowest under existing development regulations and Transition Area standards (Option 1). Increased shading effects resulting from elimination (Option 2) or modification of the Transition Area standards (Option 3) would be most pronounced on the north and west sides of the CRA, where street rights-of-way are narrower than in the south and east. Shading impacts in these locations would be moderate and would only occur for brief periods each day, though shading conditions would be more pronounced in winter months and less pronounced in summer. Option 3 avoids increased shading impacts associated with wider streets and allows for a more pedestrian-scaled environment than complete elimination of the Transition Area standards than Option 2.

In analysis locations where streets are characterized by wide rights-of-way, the modeled scenarios did not produce substantially different results, and elimination of the Transition Area standards would not result in a significant adverse impact in these locations. However, areas to the north and west of the CRA could potentially be impacted if development at Aurora Square was not required to apply the Transition Area standards, and complete elimination of the Transition Area standards would allow for only limited building façade modulation, which could have an adverse impact on the pedestrian environment. BERK would therefore recommend application of the modified Transition Area standards in areas where street rights-of-way are 100 feet or greater, which avoids increased shading impacts and allows for a more pedestrian-scaled environment than complete elimination of the Transition Area standards. In areas where the street right-of-way is less than 100 feet, BERK recommends that the development regulations be modified to allow applicants to request that the City apply the modified Transition Area standards instead of the current standards, provided that the applicant can demonstrate that their building design would not result

in increased shading when applying the modified standards; this is due to the conservative nature of the analysis in this memo that maximizes the bulk envelope. In the more specific site design for a specific parcel, it is likely that bulk would not be maximized. When there is a specific proposal, allowing an applicant to prepare an analysis demonstrating Option 3 standards are no greater in impact than for Option 1 standards would allow the City appropriate information from which to determine the standard Transition requirements are or are not needed where the street rights of way are less than 100 feet.

Attachment 1 – Transition Area Standards

Excerpted from Title 20 of the Shoreline Municipal Code

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.

The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing changes to the Shoreline Development Code that apply citywide. The non-project action to amend the Development Code include new definitions, amendments that address Sound Transit development activities, Level-of-Service standards for pedestrians and bicycles, fee waivers for affordable housing, transitional encampments, raising thresholds for short plats, greater tree protection standards, and general administrative corrections, procedural changes, policy changes, clarifying language, and codifying administrative orders.

This may be your only opportunity to submit written comments. Written comments must be received at the address listed below before **5:00 p.m. October 1, 2015**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov.

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 Thursday, October 1, 2015 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Steven Szafran, AICP, Senior Planner at (206) 801-2512.

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.

CITY OF SHORELINE

Planning & Community Development

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:	**September 16, 2015**
PROPONENT:	**City of Shoreline**
LOCATION OF PROPOSAL:	**Not Applicable - Non Project Action.**
DESCRIPTION OF PROPOSAL:	The City of Shoreline is proposing amendments to the Shoreline Development Code that apply citywide. The non-project action to amend the Development Code include new definitions, amendments that address Sound Transit development activities, Level-of-Service standards for pedestrians and bicycles, fee waivers for affordable housing, transitional encampments, raising thresholds for short plats in certain zones, tree protection, and general administrative corrections, procedural changes, policy changes, clarifying language, and codifying administrative orders.
PUBLIC HEARING	**Tentatively scheduled for October 1, 2015**

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, Sound Transit Lynnwood Link FEIS, 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**
Shoreline, WA 98133-4905

PHONE: **206-801-2531**

DATE: _____ SIGNATURE: _____

PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

The public comment period will end on October 1, 2015. 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 Development Code amendments are available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development or by contacting Steven Szafran, AICP, Senior Planner at 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., 1st floor – Planning & Community Development.

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

October 1, 2015 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present	**Staff Present**
Chair Scully	Rachael Markle, Director, Planning & Community Development
Vice Chair Craft	Steve Szafran, Senior Planner, Planning & Community Development
Commissioner Malek	Paul Cohen, Planning Manager, Planning & Community Development
Commissioner Maul	Juniper Nammi, Associate Planner, Planning & Community Development
Commissioner Montero	Julie Ainsworth Taylor, Assistant City Attorney
Commissioner Mork	Lisa Basher, Planning Commission Clerk
Commissioner Moss-Thomas	

CALL TO ORDER

Chair Scully called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully, Vice Chair Craft and Commissioners Malek, Maul, Montero, Moss-Thomas and Mork.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of September 3, 2015 were adopted as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: CRITICAL AREAS ORDINANCE (CAO) UPDATE

Chair Scully reviewed the rules and procedures for the public hearing, which was continued from September 17th, and then opened the public hearing. He noted that three Commissioners were absent

from the September 17th hearing, but they have all watched the video recording and are ready to participate in the continued hearing. He reminded the Commissioners that they will be asked to deliberate and make a recommendation on three separate ordinances related to the Critical Areas Ordinance (CAO).

Ms. Nammi reviewed that the CAO regulates and protects wetlands, critical aquifer recharge areas (the City currently has none), fish and wildlife habitat conservation areas (including streams), frequently flooded areas, and geologically hazardous areas. The Growth Management Act (GMA) requires that jurisdictions periodically update their CAO's to incorporate new and Best Available Science (BAS), and the current update must be completed within 6 to 12 months of the deadline, which was June 30, 2015.

Ms. Nammi explained that, in addition to the state-required updates, the City's update will include amendments to improve clarity and predictability such as incorporating the updated CAO into the Shoreline Master Program (SMP), providing critical area mapping and report standards, reorganizing subchapters and sections, and correcting errors and outdated terms. Also, based on public comment and Planning Commission Direction, the current draft update allows for alteration in the very high risk landslide hazard areas where it was previously prohibited. However, provisions for incorporating good analysis and BAS into each project that might alter a very high risk landslide hazard area were incorporated into the language so as not to increase the risk during and after the project.

Ms. Nammi reminded the Commission that six public and community group meetings, consultations with other City departments and regional/state agencies, and six Planning Commission meetings have already been conducted. In addition to this final hearing before the Planning Commission, the update is scheduled on the agenda at three City Council Meetings.

Ms. Nammi explained that the proposed amendments have been organized into three ordinances: amendments to the critical areas regulations in SMC 20.80 (Ordinance 723); amendments to other Title 20 chapters that reference or relate to critical areas (Ordinance 724); and limited amendments to the Shoreline Master Program (SMP) in order to incorporate the updated CAO (Ordinance 725). She explained that Ordinances 723 and 724 must both be approved to meet the GMA periodic update requirement. Ordinance 725 is not required and is not necessary in order for Ordinances 723 and 724 to function. Staff is recommending the amendments outlined in Ordinance 725 to make implementation easier, clearer and consistent throughout the City.

Staff Presentation on Ordinance 723

Ms. Nammi presented the following amendments in response to the new information and public comments received at the September 17th hearing:

1. **SMC 20.80.220. Revise the landslide hazard area classification standards to simplify the definition of "distinct break."** The original proposal was to limit the width of a distinct break to 15 feet horizontally, which was based on the minimum buffer possible for a landslide hazard area. After reviewing public comments and the updated revised memorandum from the consultant relative to BAS, staff found that the provision was an administrative tool that did not have enough science to support it. They are now recommending revised language for measuring

the toe and top of a slope. As proposed, the toe of a slope would be a distinct topographic break which separates slopes inclined at less than 15% from slopes above that are 15% or steeper when measured over 10 feet of vertical relief. The top of a slope would be a distinct topographic break which separates slopes inclined at less than 15% from slopes below that are 15% or steeper when measured over 10 feet of vertical relief. Averaging the slope over 10 vertical feet should result in similar classifications as were anticipated using the original definition of a distinct break being at least 15 feet wide, and requiring an analysis by a qualified engineer should adequately assess the total slope stability, even when there are mid-slope benches.

2. **SMC 20.80.224. Remove the requirement for special inspections.** Concern was raised that the requirement for a geotechnical special inspector during the construction process goes beyond what other cities, such as Seattle, require. Staff revisited Seattle's ordinance, which was used as a starting point for most of the additional requirements included in this section, and found that special inspections are required via the building code rather than the CAO. Staff also reviewed the City's existing provisions and learned that special inspections would be required for buildings and other structures proposed within the very high risk landslide hazard areas where continuous inspection during a stage of construction or specialized expertise is needed for verification of the construction methods and materials. Where nonstructural projects are proposed, staff believes that the construction management provided by the qualified professional would be sufficient. The provision in **SMC 20.80.224** duplicates these existing requirements, and staff is recommending it be removed.

3. **SMC 20.80.060 and 20.80.274. Delete the reference to "buffers" from sections where the provisions should only apply to the critical area and not the buffer.** Concern was expressed that the restrictions on vegetation management in certain stream and wetland buffers in these sections is overbroad and not supported by BAS. However, findings and conclusions in State publications support the restriction and management of vegetation removal in wetland buffers and streams (see Staff Report) and explain why it is important that management be done by a professional who knows which vegetation is appropriate for the site, what is needed for the species or resource being protected, etc. Staff is not proposing any changes to address this concern. However, the City Attorney did identify a few places when the wording included "buffers" where the regulations should only apply to critical areas, and staff is recommending that the reference to buffers should be removed in some locations.

4. **SMC 20.80.274. Resolve inconsistent language for alteration of fish and wildlife habitat conservation areas.** It has come to staff's attention that both the existing and proposed general standards for development in fish and wildlife habitat conservation areas prohibit development except through a critical area reasonable use permit, critical area special use permit or shoreline variance. In comparison, the habitat-specific standards in **SMC 20.80.276** require consistency with the state or federal management plan, but do not require critical area reasonable use or critical area special use permits except for the most sensitive stream categories. Staff has proposed language that revises **SMC 20.80.274** so that a critical area reasonable use or critical area special use permit is not required in most fish and wildlife habitat conservation areas when development may be able to coexist with the wildlife if mitigation measures are implemented.

5. **SMC 20.80.276. Add a provision for "priority species" that is similar to the language for "non-fish seasonable streams."** As proposed, activities and uses that result in unavoidable impacts may be permitted in priority species habitat areas and associated buffers in accordance with an approved critical area report and habitat management plan, but only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective. It would also require full compensation for the loss of acreage and functions of habitat and buffer areas.

Ms. Nammi summarized that corrections of terms and wording for legal consistency, as well as typographical and grammatical corrections and formatting changes will be done before the ordinance comes before the City Council for review. She asked the Commission to forward Ordinance 723 to the City Council with a recommendation of approval as written, including the four amendments outlined above.

Public Testimony on Ordinance 723

Jane Kiker, Eglick Kiker Whited, **Seattle,** said she was present to speak on behalf of the Innis Arden Club. She said she originally had several comments, but most were clarified by Ms. Nammi's presentation. She emphasized that the Innis Arden Club would like to have further clarification in the regulations that limited tree removal and replacement pursuant to a mitigation or buffer enhancement plan is an allowed use in stream and wetland buffers. While the Staff Report explains that these activities are permitted where they cannot be avoided, it would be clearer if the buffer regulations included a cross reference to **SMC 20.80.050.**

Ms. Kiker referred to the proposed amendment that would delete the reference to "buffers" from sections where the provisions should only apply to the critical area and not the buffer. Because staff has agreed it is important to regulate activities in the critical areas separate than the activities in the buffers (which the regulations attempt to do), she suggested that the reference to "associated buffers" in **SMC 20.80.276(D)(1)** should also be eliminated.

Ms. Kiker said the Innis Arden Club is pleased that staff is recommending alternative language relative to determining the top and toe of a slope. However, they are still concerned that if the site-specific evaluation by a geotech is not the relied upon BAS, the City could end up including a lot of small, rather benign steep slopes in the very high risk landslide hazard areas.

Ms. Nammi explained that Type S Streams are sensitive, particularly those that are anadromous. The recommendation to require a critical area reasonable use or special use permit or shoreline variance for alteration of both the critical area and its buffer is intended to provide a higher level of protection.

Planning Commission Deliberation and Recommendation on Ordinance 723

COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD ORDINANCE 723 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF, INCLUDING THE AMENDMENTS OUTLINED IN THE STAFF REPORT. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Moss-Thomas voiced appreciation for the hard work done by Ms. Nammi. The proposed CAO update flows very logically and consistently. Except for a few grammatical edits, none of the content raised a concern to her.

THE MOTION CARRIED UNANIMOUSLY.

Staff Presentation on Ordinance 724

Ms. Nammi advised that Ordinance 724 addresses miscellaneous amendments that are needed in other chapters of the Development Code (Title 20). She reminded the Commission that the amendments were presented to the Commission at their last meeting, and no additional changes were identified. The proposed amendments include updating the definitions, revising code references that refer to critical area regulations, adding decision criteria for reasonable use and special use permits, and revising code enforcement provisions to be compatible with the new provisions. She recommended the Commission forward a recommendation for adoption of Ordinance 724 as currently drafted.

Public Testimony on Ordinance 724

No one in the audience indicated a desire to provide testimony.

Planning Commission Deliberation and Recommendation on Ordinance 724

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD ORDINANCE 724 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Staff Presentation on Ordinance 725

Ms. Nammi said Ordinance 725 outlines limited amendments to the Shoreline Master Program (SMP). Approval of the ordinance is optional, but is recommended by staff in order to have consistent critical area regulations throughout the City. As proposed, changes to the geologic hazard areas would be applied within the shoreline jurisdictions, but provisions relative to exemptions or allowed activities would be excluded because the SMP already has its own way of identifying exemptions or allowed activities and what it regulates is a bit different.

Ms. Nammi reviewed that the primary concern raised by public comment is over whether you can repair, maintain, modify, or rebuild existing residences within the shoreline jurisdiction, and the answer is yes. In her professional opinion, the proposed amendments in Ordinance 725 would not affect this ability. In fact, it would make it easier in geologic hazard areas. The ability to rebuild an existing home is addressed by the City's non-conformance regulations and is an allowed activity under the SMP. Depending on the size of the new structure, it would require either a shoreline exemption request or a substantial development permit. The changes to the wetland regulations are minor because the wetland regulations in the new CAO are comparable to what is in the current SMP. Staff has no recommendations for specific changes at this time, but some technical changes, as identified by the

Department of Ecology (DOE), will be finalized before the ordinance is presented to the City Council. She recommended the Commission forward a recommendation of approval for Ordinance 725 as currently drafted.

Chair Scully recalled that the Commission previously recommended approval of more flexibility for development on steep slopes as part of Ordinance 723. He asked if this flexibility was carried through to Ordinance 725, and Ms. Nammi answered affirmatively. Chair Scully summarized that, if the Commission does not recommend adoption of Ordinance 725, there would be less flexibility for home owners on steep slopes. Ms. Nammi clarified that Ordinance 723 changes the definition of a very high risk landslide hazard area from 10 vertical feet to 20 vertical feet. It also outlines a process for alterations in very high risk landslide hazard areas and the DOE has indicated it could be included and feasible within the shoreline jurisdiction without requiring a shoreline variance.

Commissioner Moss-Thomas asked if the language in **SMC 20.50.310**, which talks about trees greater than 30 inches in diameter at breast height, is consistent with other language throughout the code. She recalled that the City moved away from this measurement approach. Ms. Nammi noted that this proposed amendment is covered in Ordinance 724, which was the subject of the Commission's previous motion. However, she agreed to check the language for consistency.

Assistant City Attorney Ainsworth Taylor referred to Ms. Nammi's earlier statement that in addition to the proposed changes to the SMP that are outlined in Ordinance 725, staff may also incorporate more substantial changes from the DOE after the Commission makes its recommendation but before it goes to the City Council. She questioned if the Commission can actually make a recommendation to the City Council without having the entire ordinance before them.

Director Markle explained that if the City Attorney's Office determines that the changes identified by the DOE are substantive, the ordinance might have to come back to the Commission for additional review and a recommendation to the City Council. Ms. Nammi explained that, typically, amendments to the CAO are approved by the City Council prior to being sent to the DOE for review and comment. The DOE conducts its own comment period, after which it may choose to approve the document as adopted or request revisions. Any revisions are reviewed by the staff, Planning Commission and City Council and an additional public hearing may be required if the changes are substantial. Once the revisions have been adequately addressed, the DOE will issue its approval and the ordinance will go into effect. In the hope of not having to go through this lengthy process, staff requested early feedback from the DOE, but it didn't come early enough to include it in the current draft. Depending on how much change is needed, the ordinance may come back to the Commission for additional review.

Assistant City Attorney Ainsworth Taylor again voiced concern that the Commission is being asked to forward an ordinance to the City Council that it has not yet seen in its full, substantive form. Chair Scully asked the Commission to provide feedback on whether to follow the old model with a slight jump on the DOE's comments with the risk that it will have to be revisited in the future or recommend that the whole process be put on hold until the DOE's comments are fully incorporated.

The Commissioners continued to ask clarifying questions about the process, particularly as it relates to the DOE. Vice Chair Craft pointed out that Attachment 1 of the October 1st Staff Report outlines the

preliminary comments received from the DOE. He asked if it is staff's intent to incorporate them into Ordinance 725 before it is forwarded to the City Council. Ms. Nammi answered that it is staff's intent to incorporate all of the changes, with the exception of the DOE's recommendation to use "water types" rather than "stream types." She explained that it is not staff's intent to make changes to the marine regulations, which are already incorporated into the SMP and not currently open for review.

Vice Chair Craft suggested that staff could highlight the changes recommended by the DOE in the draft ordinance that is sent to the City Council. Assistant City Attorney Ainsworth Taylor agreed that if the textual format (Ordinance 725) is fused with a table outlining the DOE's recommendations, it could provide a complete picture of the proposed changes and the Commission may feel comfortable forwarding a recommendation to the City Council. Another option would be postpone their recommendation until the document is available in its entirety. Vice Chair Craft said he is comfortable moving Ordinance 725 forward to the City Council now, with the understanding that the DOE's recommended changes would be clearly identified in the draft that is presented to the City Council for review.

Again, Assistant City Attorney Ainsworth Taylor cautioned the Commissioners to make sure they clearly understand what they are recommending to the City Council and that all the pieces to the puzzle have been provided. If this can be done by putting the two documents together, as suggested by Vice Chair Craft, then the Commission could forward its recommendation to the City Council now. If not, the recommendation could be postponed until a complete package is available for review.

Chair Scully asked if there would be an opportunity for public comment after the DOE's recommendations have been incorporated and before the City Council approves the ordinance. Assistant City Attorney Ainsworth Taylor advised that the City Council will hold three meetings on the ordinances, and public comments will be solicited at each one. Chair Scully summarized that the public would have an opportunity to view and comment on the final product before it is adopted. He asked how long it would take staff to incorporate the DOE's recommendations into the ordinance, and Ms. Nammi said she intends to complete the work by Thursday, October 8th.

Commissioner Moss-Thomas asked if the DOE's recommended changes apply only to Ordinance 725 or if they would also require amendments to Ordinances 723 and 724. She observed that Ordinance 725 is only six pages. The Commission could delay its recommendation and hold another brief public hearing before making a recommendation to the City Council. Ms. Nammi again referred to Attachment 1 of the September 17th Staff Report, which lists the DOE's recommended changes. She summarized that some of the wording changes might affect Ordinance 723, but they could also be accomplished through exclusions in Ordinance 725. She voiced her opinion that all but one of the recommendations would be considered a non-substantive change. However, staff does not plan to recommend implementation of the DOE's request to replace the word "streams" with "waters." Instead, staff would like to find a solution that only affects the SMP and does not change the general CAO standards. Staff does not believe it is necessary to have marine waters regulated in the general CAO when they are already regulated by the SMP.

Vice Chair Craft asked when the draft ordinances would be presented to the City Council for the first time, and Ms. Nammi answered that they are scheduled for presentation to the City Council on October 26th.

Public Testimony on Ordinance 725

Richard Kink, Shoreline, said he was present to speak on behalf of the Richmond Beach Preservation Association (homeowners along 27th Avenue Northwest). He expressed his belief that the Commission's discussion about the timing of their recommendation to the City Council relative to Ordinance 725 is a discussion of ignorance regarding the SMP and how it affects the homeowners along 27th Avenue Northwest. In the City, the shoreline jurisdictions include the railroad, Salt Water Park, and his neighborhood. Although proposed Ordinance 725 is only six pages long, it would alter certain key fundamental definitions provided in the SMP handbook that impact his neighborhood and even the shoreline outside of the CAO.

Mr. Kink said the association is also concerned that their members have not had any input relative to Ordinance 725. He recently spoke with Paul Anderson, who is referenced in the Staff Report, and found that his conversation and Mr. Anderson's conversation are night and day different. The SMP handbook provides another option, which is to develop new critical areas regulations specifically for the SMP. In terms of content and organization, he suggested this approach could also provide the greatest flexibility when integrating critical area provisions into the rest of the SMP document. He summarized that the City does not have to "squish" the SMP and CAO together. He recalled that the association spent countless hours working with the City and the DOE to draft the current SMP, which meets the letter and intent of the law, while still providing recognition for the neighborhood's unique characteristics. He suggested that requiring property owners to obtain a conditional use or shoreline variance to rebuild a house would be considered punitive permitting in the association's opinion. He cautioned the Commission against sending Ordinance 725 to the City Council before having a final draft available for their review.

Planning Commission Deliberation and Recommendation on Ordinance 725

COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION POSTPONE ITS RECOMMENDATION RELATIVE TO ORDINANCE 725 UNTIL IT HAS HAD AN OPPORTUNITY TO REVIEW THE CHANGES PUT FORWARD BY THE DEPARTMENT OF ECOLOGY. SHE FURTHER MOVED THAT THE COMMISSION CONDUCT AN ADDITIONAL PUBLIC HEARING ON ORDINANCE 725 ONCE A COMPLETE DRAFT IS AVAILABLE. COMMISSIONER MONTERO SECONDED THE MOTION.

Commissioner Moss-Thomas clarified that the public hearing would only apply to Ordinance 725. Despite the fact that it is only six pages long, it may contain a lot of weighty issues.

Assistant City Attorney Ainsworth Taylor said another option would be for the Commission to invite staff to review each of the DOE's recommended changes, carefully identifying the recommended changes that would be incorporated into draft Ordinance 725. The Commission could then amend

Ordinance 725 to include the changes recommended by staff and forward it to the City Council along with Ordinances 723 and 724.

Chair Scully said he is in favor of the motion. The alternative approach would require the Commission to take action on a draft that the public has not had an opportunity to review. He agreed with Mr. Kink's concern that the Richmond Beach Preservation Association needs time to review the proposed changes with their geotechnical engineer and legal counsel.

The Commission discussed whether it would be better to continue the current hearing to a date certain, in which case no additional public notice would be required. They agreed that the best approach is to schedule a new public hearing for just Ordinance 725, which would require a new notice. The Commission discussed the notice requirements and the timeline for scheduling a new public hearing, which could be as far out as mid 2016. They also discussed the impacts of postponing their recommendation for several months. Director Markle agreed that there would not be a significant impact associated with the delay; but the intent was to complete the CAO and SMP updates in 2015 to free up staff time to work on the 2016 work plan, which includes subarea planning and permitting for Sound Transit projects. Ms. Nammi reminded the Commission that Ordinance 725 is not required, but was intended to make the SMP and CAO clearer and easier to implement. Approval of Ordinance 725 would also make the updates available to the residents affected by the shoreline jurisdiction, which includes more properties than just those on 27th Avenue Northwest. Some properties east of the railroad tracks are also located within the shoreline jurisdictions.

Ms. Nammi emphasized that the language that was crafted with the help of the Richmond Beach Preservation Association would not be amended. The only section of the SMP that would be modified by Ordinance 725 is the critical area regulations. The ability to build or rebuild a single-family home within the shoreline jurisdiction is a state-mandated exemption in the SMP that would not be affected by Ordinance 725.

Commissioner Mork clarified that the question on the table is whether to defer action on the ordinance for a longer time period and then hold a new public hearing on a complete draft or continue the hearing to the next meeting when the updated ordinance would be available for review.

THE MOTION CARRIED 5-2, WITH VICE CHAIR CRAFT AND COMMISSIONER MORK VOTING IN OPPOSITION.

Ms. Nammi announced that City Council study sessions for Ordinances 723 and 724 are scheduled for October 26th and November 2nd. She reminded the Commission that staff is recommending a delayed effective date for the CAO Update (Ordinance 723) and the Title 20 changes (Ordinance 724). She explained that, typically, ordinances adopted by the City Council go into effect a week later. In order to ensure that staff are trained, that changes to forms and review procedures are up to date, and that the public and staff are ready to administer the updated regulations, staff is asking for two months to prepare for implementation.

Chair Scully requested feedback from Assistant City Attorney Ainsworth Taylor as to whether the Commission is required to make a recommendation relative to delaying the implementation of

Ordinances 723 and 724. Assistant City Attorney Ainsworth Taylor answered that the Commission should take specific action relative to the implementation timeline.

Vice Chair Craft said it would be helpful for staff to specifically identify the inconsistency between public comments and what the actual SMP implies. Chair Scully suggested that this additional information be provided when Ordinance 725 comes back to the Commission as a new public hearing.

Chair Scully invited members of the public to comment on the proposed implementation timeline and none came forward.

VICE CHAIR CRAFT MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE DELAYED EFFECTIVE DATE (FEBRUARY 1, 2016) FOR THE CAO UPDATE (ORDINANCE 723) AND THE TITLE 20 CHANGES (ORDINANCES 724) AS PRESENTED BY STAFF. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Chair Scully closed the public hearing on the Critical Area Ordinance Update.

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS 2015

Chair Scully briefly reviewed the rules and procedures for the public hearing and then opened the public hearing. He explained that the amendments have been placed in batches based on their location in the Development Code. The Commission will be asked to deliberate, take public testimony, and make a recommendation on each batch of amendments.

Mr. Szafran explained that the purpose of the hearing is to introduce the 2015 Development Code amendments, discuss and answer the Commission's questions, solicit public testimony, and develop a recommendation to the City Council. He advised that there are 42 proposed amendments, one of which was privately initiated.

Staff Presentation on Batch 1 (Rescheduled Amendments)

Mr. Szafran recommended that the following three amendments (Batch 1), all of which apply to Sound Transit, be rescheduled to a later date.

- **Amendment 7 (SMC 20.30.330).** Permit process for light rail transit system/facility.
- **Amendment 11 (SMC 20.40.050.** Zoning standards for light rail when located in the right-of-way.
- **Amendment 21 (SMC 20.40.438).** Conditions for a light rail transit system/facility.

Public Testimony on Batch 1 (Rescheduled Amendments)

No one in the audience indicated a desire to comment.

Planning Commission Deliberation and Recommendation on Batch 1 (Rescheduled Amendments)

COMMISSIONER MONTERO MOVED THAT THE COMMISSION DELAY AMENDMENTS 7, 11 AND 21. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Staff Presentation on Batch 2 (SMC 20.30)

Mr. Szafran reviewed the Batch 2 amendments as follows:

- **Amendment 1.** This amendment in **SMC 20.20.016** clarifies the definitions of shared driveways.

- **Amendment 2.** This amendment in **SMC 20.20.034** adds a new definition for "multi-modal access improvements."

- **Amendment 3.** This amendment in **SMC 20.30.040** changes the temporary use permit reference in the Type A Permit Table.

- **Amendment 4.** This amendment in **SMC 20.30.100** allows the Director to waive permit fees for the construction of affordable housing.

  Commissioner Montero referred to the proposed language for **Amendment 4,** which allows the Director the discretion to waive permit fees for the construction of affordable housing. He noted that several comments were received relative to the income requirements. He asked if these requirements were provided as examples and the Director would have the discretion to adjust the income requirements. Mr. Szafran said the percentages listed in the draft code language represent the minimum income requirements that would be allowed.

- **Amendment 5.** This amendment in **SMC 20.30.110** clarifies the Determination of Completeness Section.

- **Amendment 6.** This amendment in **SMC 20.30.280(C)(4)** clarifies the modifications to the Nonconforming Section.

- **Amendment 8.** This amendment in **SMC 20.30.340** establishes a new procedure for processing Comprehensive Plan amendments.

- **Amendment 9.** This amendment in **SMC 20.30.355** adds additional decision criteria for development agreements relative to Level of Service (LOS) for pedestrians and bicycles. As proposed, it requires that there is sufficient capacity in the transportation system to safely support development as confirmed by a transportation impact analysis.

- **Amendment 10.** This amendment in **SMC 20.30.380** raises the number of lots in a short plan subdivision from four to nine.

  Commissioner Moss-Thomas asked if **Amendment 10** would apply to the City as a whole, and Mr. Szafran answered affirmatively. At the request of Commissioner Moss-Thomas, Mr. Szafran explained that a short-plat is the number of lots that can be subdivided as part of an administratively-approved permit. Commissioner Moss-Thomas observed that a short plat would still have to meet all other development standards such as lot coverage, minimum lot size, etc. Mr. Szafran added that pre-application and neighborhood meetings, as well as public notice, would also be required. The proposed amendment would not alter the process; but it would change the threshold from four to nine, which is allowed by state law and consistent with surrounding jurisdictions.

Public Testimony on Batch 2

No one in the audience indicated a desire to comment.

Planning Commission Deliberation and Recommendation on Batch 2

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENTS 1, 2, 3, 4, 5, 6, 8, 9, AND 10 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Staff Presentation on Batch 3 (SMC 20.40)

Mr. Szafran reviewed the Batch 3 amendments as follows:

- **Amendment 12.** This amendment in **SMC 20.40.100** clarifies the time limit of a temporary use permit (up to one year).

- **Amendment 13.** This amendment in **SMC 20.40.120** changes the use from "Tent City" to "Transitional Encampment."

- **Amendment 14.** This amendment in **SMC 20.40.140** prohibits hospitals and medical clinics in the R-4 and R-6 zones.

- **Amendment 15.** This amendment in **SMC 20.40.150** deletes shipping containers as a use.

- **Amendment 16.** This amendment in **SMC 20.40.160** deletes "Outdoor Performance Centers" from the Station Area Use Table. It also adds a condition that research, development and testing would be permitted in the MUR 70 Zone, provided it is classified as a Biosafety Level 1 or 2, which prohibits something like the public health lab.

- **Amendments 17 and 18.** These amendments in **SMC 20.40.230** and **SMC 20.40.235** would allow the Director to waive building permit fees for affordable housing projects. The Planning Commission received a letter from the Housing Development Consortium that supports the City's effort to encourage affordable housing. The letter points out that **Table 20.40.235(B)(1)** should be updated to reflect the new language suggested in **SMC 20.240.235(F)**. A copy of the new language was provided in the Commission's desk packet. As proposed, the incentive language in the MUR 70, MUR 45 and MUR 35 Zones would be updated to read, "May be eligible for a 12-year property tax exemption and permit fee waiver upon authorization." The authorization would most likely come from the Director.

- **Amendment 19.** This amendment in **SMC 20.40.400** clarifies that all parking associated with a home-based business must be located on site and on an approved parking surface.

- **Amendment 20.** This amendment in **SMC 20.40.410 and SMC 20.40.450** deletes the requirement that hospitals and medical offices only be allowed as a reuse of a surplus nonresidential facility in the R-18 through TC4 zones.

- **Amendment 22.** This amendment in **SMC 20.40.535** adds conditions to the "Transitional Encampment" use.

Public Testimony on Batch 3

No one in the audience indicated a desire to comment.

Planning Commission Deliberation and Recommendation on Batch 3

COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD AMENDMENTS 12, 13, 14, 15, 16, 17, 18, 19, 20, AND 22 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Moss-Thomas referred to **Amendment 19,** and said she has always struggled with the parking requirements for home-based businesses, recognizing that parking is always a hot topic in Shoreline. She reported that at a recent presentation by the City's Economic Development Director to the North City/Ridgecrest Neighborhoods it was noted that the majority (about 80%) of the businesses in Shoreline are home-based. She voiced concern that **Amendment 19** could make it more difficult for small, home-based businesses. Commissioner Malek agreed with her concern, and noted that the amendment could end up disenfranchising existing businesses, such as dental clinics, that have already been successfully integrated into residential environments. On the other hand, neighborhoods could be impacted if a home-based business creates a lot of noise and/or commercial traffic.

Commissioner Mork voiced concern that if there is no on-site parking requirement, parking for home-based businesses could spill out into the street. Chair Scully noted that the current code does not prohibit on-street parking for vehicles associated with home-based businesses. Mr. Szafran added that

the current code requires two on-site parking spaces for home-based businesses in single-family zones. However, it does not address the use of on-street parking if more than two parking spaces are needed.

Commissioner Moss-Thomas cautioned against a code requirement that would penalize a small, home-based business, yet allow property owners to park commercial vehicles associated with off-site businesses on the street. This situation is quite common in many neighborhoods throughout the City. Chair Scully said he walks frequently in the City, and it is easy to identify the home-based limousine businesses because there are large numbers of commercial vehicles parked on the street. This is troubling to nearby property owners because it is unattractive and leaves little room for other vehicles to park. Vice Chair Craft agreed with Chair Scully. There are too many situations where the code has been abused and property owners living in the neighborhoods have been negatively impacted. **Amendment 19** is intended to curtail the overabundance of commercial-use vehicles in single-family residential neighborhoods.

Commissioner Moss-Thomas inquired if it would be better to identify the maximum number of vehicles that could be parked on the street, and require that the remaining parking be provided on site. Mr. Cohen clarified that the **Amendment 19** refers to parking for a specific type of home occupation (vehicles that pick up materials used by the home occupation), and the intent is to protect neighborhoods from over parking. The restriction would not apply to other types of home-based businesses. Commissioner Maul summarized that **Amendment 19** would only apply to vehicles that are used by the business. Employee parking is addressed by a separate provision.

Tom Poitras, Shoreline, shared a personal experience he had with a limousine business located across the street from his home. His neighbor purchased and rebuilt an access-type bus over a period of about six months. The work occurred in the street, and cones were used to block traffic while he was working under the vehicle. This situation, along with the numerous cars parked on the street, created a disaster for the neighborhood. Theoretically, the code prohibits a vehicle, such as the access bus, from parking on the street because it exceeds the maximum width allowed. However, the code provision is frequently violated and there is little enforcement.

THE MOTION CARRIED UNANIMOUSLY.

Commissioner Montero asked when the proposed code amendments would take effect. Mr. Szafran answered that the amendments would take affect five days after adoption by the City Council, which is tentatively scheduled for December 7th.

Staff Presentation on Batch 4 (SMC 20.50)

Mr. Szafran reviewed the Batch 4 amendments as follows:

- **Amendments 23 and 24. Amendment 23** in **SMC 20.50.020** was privately initiated and is directly related to **Amendment 24** in **SMC 20.50.020(C).** As proposed, **Amendment 23** would allow a property owner to reduce the minimum lot-size requirement if the City requires dedication for road or drainage purposes. **Amendment 24** would not allow a property owner to reduce the lot size requirement. However, it would insert a warning to potential developers that,

if dedication is required, then the area dedicated is not included in the density calculation of the site. If the Commission supports **Amendment 23,** then **Amendment 24** should be recommended for withdrawal or denial. The opposite would be true if the Commission supports **Amendment 24.** Staff recommends the Commission support **Amendment 23** to allow a reduction in the lot size if the City takes property for road or drainage purposes.

Commissioner Maul asked if **Amendment 23** would allow a developer to reduce the lot sizes on a 20-acre plat in order to provide an access road to the new lots. Mr. Szafran answered that **Amendment 23** would apply to public roads but not private roads. Commissioner Maul said he supports the proposed amendment for smaller plats only, but he is concerned it would represent a significant change for large plats. Mr. Cohen pointed out that the City receives very few applications for formal subdivisions (one every few years). Mr. Szafran added the formal plats have typically been for townhome units.

Commissioner Moss-Thomas asked how **Amendment 23** would apply to the properties along 145th between Aurora Avenue North and Greenwood Avenue, which have miniscule front yards. Mr. Szafran explained that the amendment would only allow a reduction in the lot size proportional to the amount that is dedicated. All of the other development standards (lot coverage, setbacks, etc.) would still apply.

Commissioner Montero referred to the letter from Carefree Homes (Attachment 4) and asked if **Amendment 23** would be retroactive if adopted. Mr. Szafran answered affirmatively and noted that Carefree Homes has not submitted an application yet.

- **Amendment 25.** This amendment in **SMC 20.50.020(3)** clarifies that environmental features do not count against hardscape requirements.

- **Amendment 26.** This amendment in **SMC 20.50.240** requires the inclusion of accessible water and power in public places at high-capacity transit centers and associated parking facilities.

- **Amendments 27 through 32.** The amendments in **SMC 20.50.320, 20.50.330, 20.50.350, 20.50.360 and 20.50.370** all have to do with how trees are evaluated, managed, protected and replaced. For example, the amendments will dictate what standards will be applied when Sound Transit cuts trees. **Amendment 30** also adds a provision for fee in lieu if tree replacement is not feasible or if a property owner believes payment for the loss of trees is better than natural tree replacement.

- **Amendment 33.** This amendment in **Table 20.50.390(D)** deletes the duplicative parking requirement that is outlined in the retail and mixed-use parking standards.

- **Amendment 34.** This amendment in **SMC 20.50.400** revises the criteria for granting a reduction to the minimum parking requirements. The current criteria do not have a direct relationship to parking demand, and the proposed criteria are much more stringent and will have a direct relationship to parking demand.

- **Amendment 35.** This amendment in **SMC 20.50.410** reorganizes the section relative to the requirements for compact parking stalls and parking angles.

- **Amendment 36.** This amendment deletes **SMC 20.50.430** entirely, as the requirements in the section are duplicative of the requirements in the most recently adopted site-design standards in **SMC 20.50.240.**

- **Amendment 37.** This amendment in **SMC 20.50.480** updates a reference in the section.

Public Testimony on Batch 4

Yoshiko Saheki, Shoreline, referred to proposed **Amendment 34,** which revises the criteria for a reduction to the minimum parking standards. She specifically referred to Subsection E, which states that, "A parking reduction of 25 percent will be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in Subsections A and D of this section." Ms. Saheki voiced her concern that people do more than commute to work, and light rail will not drop people off at a grocery store. People will still need cars in the City regardless of how close they live to a light rail station. Those living in multi-family complexes near a station should not have to compete with commuters for street parking. She asked that the Commission eliminate any reduction to the minimum parking requirements based on the proximity to a light rail station.

Tom Poitras, Shoreline, commended the staff for the wise decision not to grant a 25% reduction to parking requirements for a development less than a quarter-mile from a station unless the development does not open for business until the station is open. It is also good to know that developers will not automatically receive a 25% reduction in the parking requirement if they meet just some of the criteria in **SMC 20.50.400 (Amendment 34).** Depending on what they do, they may get a lot less. He suggested that if this good news was made more public, it would calm some nerves.

Mr. Poitras asked the Commission to recommend that guidelines be developed for Parking Management Plans that are mentioned in **SMP 20.50.400(3)** and Residential Parking Zones (RPZ) that are mentioned in **SMP 20.50.400(4).** He expressed his belief that this work should be done before the plans are approved by the City. Otherwise, overlapping plans proposed by different developers are likely to conflict. If left to their own devices, it is likely that some developers will come up with plans that are mainly to their own advantage. The guidelines would also save staff time in the approval process. Since RPZ parking permits are meaningless without enforcement, once a defined number of RPZ permits have been issued for the entire City, Shoreline should be required to hire parking enforcement officers.

Mr. Poitras also recommended that when the predefined number of RPZ permits has been issued, the City should be required to adopt a citywide comprehensive parking management plan that includes city-defined RPZ policies for all the various neighborhoods in Shoreline. He pointed out that the trouble with developer-designed parking management plans is that the citizens they affect may never learn what is in them. This could frustrate many people. He suggested that the sooner they get rid of developer plans, the better. The same is true for developer-designed traffic calming devices mentioned in **SMC**

20.50.400(7). He also observed that since homeowners, multifamily residential, commercial users and commuters will all want parking permits, the pricing structure will require very careful analysis.

Mr. Poitras asked if there is good science to justify the 50% reduction in parking requirements that is mentioned in **SMC 20.50.400(8)(B).** In his experience, people in all income brackets, including the zero bracket, own cars, and sometimes more than one.

Planning Commission Deliberation and Recommendation on Batch 4

VICE CHAIR CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENTS 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, AND 37 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MONTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 23 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. HE FURTHER MOVED THAT AMENDMENT 24 BE ELIMINATED. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

CHAIR SCULLY MOVED THAT THE COMMISSION FORWARD AMENDMENT 31 TO THE CITY COUNCIL WITH A RECOMMENDATION OF DENIAL. COMMISSIONER MONTERO SECONDED THE MOTION.

Chair Scully explained that **Amendment 31 (SMC 20.50.360)** allows the use of existing trees on a lot in lieu of replacement trees. He reminded the Commission that the intent is to preserve existing tree canopy, and allowing the removal of some trees on a heavily-treed lot seems to vitiate the purpose of the tree code. It would also unfairly penalize property owners who don't have a lot of trees on their sites by requiring them to pay for replacement trees when someone with a heavily wooded lot would be able to cut trees down without any additional expense.

Commissioner Maul observed that if a few trees are removed from a heavily-wood lot, the smaller trees would flourish and a significant tree canopy would remain. Planting another tree between a bunch of existing trees would not likely result in more canopy.

Vice Chair Craft also argued the economic fairness component of the proposed amendment. He supports codes that can be universally applied and universally fair to as many citizens as possible.

Commissioner Mork clarified that, as per the proposed amendment, the owner of a heavily-wooded property would have the choice of putting money into the overall Shoreline canopy rather than replacing trees on the subject property. Chair Scully pointed out that this question is actually addressed in **SMC 20.50.360(C)(5) (Amendment 30).** Commissioner Mork suggested that **Amendment 30** would address the issue of fairness and protect the canopy in Shoreline. Chair Scully agreed and pointed out that **Amendment 30** would apply to every lot in the City.

Commissioner Moss-Thomas pointed out that **Amendment 31** is in reference to a site, which could be either commercial or residential. Mr. Szafran pointed out that there is currently no tree retention requirement for commercially-zoned properties.

Mr. Cohen explained that fairness is the main thrust of **Amendment 31.** The idea is that property owners should not have to do costly replacement if there are already a lot of small, healthy, non-significant trees growing on the property. In these situations, the property owners already provide their fair share of the canopy in the area. On the other hand, someone with very few trees could clear most of them. Although replacement trees would be required, the property would still provide a smaller share of the canopy. The goal is to balance the two extremes. In addition to cost, it is sometimes difficult to find appropriate places to plant replacement trees on heavily wooded lots. The current requirement ends up forcing trees onto properties that already provide more than a fair share of the canopy.

THE MOTION TO RECOMMEND DENIAL OF AMENDMENT 31 WAS APPROVED BY A VOTE OF 4-2, WITH ONE OBSTENTION.

Commissioner Mork noted that the Commission received numerous comments relative to **Amendment 34 (SMC 20.50.400).** She suggested the issue is complicated, and the Commission does not have sufficient information to recommend approval at this time. While she has some suggested modifications, she is still concerned that the proposed language would not be inclusive enough to address all of the public concerns.

COMMISSIONER MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF DENIAL. COMMISSIONER MOSS SECONDED THE MOTION.

Commissioner Mork voiced concern that the code does not provide a clear definition of or criteria for Parking Management Plans. There is also no process in place for reviewing the plans. She is concerned that the parking around the light rail stations could impact residential neighborhoods.

Mr. Szafran pointed out that if the motion is to deny the amendment, the strike-through language would remain in the code, including the provision that allows a parking reduction of up to 25%. The proposed amendment is intended to place additional criteria on the ability to reduce the parking requirement.

THE MOTION TO RECOMMEND DENIAL OF AMENDMENT 34 FAILED UNANIMOUSLY.

COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF AND WITH AMENDED CRITERIA THAT MORE CLEARLY STATES THE COMMISSION'S INTENT. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Montero referred to **SMC 20.50.400(A)(2)** and requested clarification as to why staff is recommending a minimum 20-year shared parking agreement. He voiced concern that 20-years may be too long, since transportation systems will likely change significantly during that time period. Mr.

Cohen said 20-years represents the minimum length of time the City wants the agreement to last base on the amount of change that is anticipated. Having a longer parking agreement would provide reliability to the surrounding neighborhoods that nothing major would change. Commissioner Montero pointed out that the agreement would need to be modified over time as development continues and the area changes. Locking a developer into a 20-year agreement seems excessive. Mr. Cohen said it would be possible for a property owner to enter into a new 20-year agreement with a different property owner, in which the first agreement would no longer be valid.

Commissioner Maul asked if any developer in the City has ever used the shared parking agreement option. Mr. Cohen answered it has been used in a few cases, but it is not common. He noted that a shared parking agreement is just one of eight options a developer can use to obtain a parking reduction of up to 25%.

Commissioner Maul said he went through the process of trying to obtain a shared parking agreement, and it didn't work very well. He talked with five different property owners within a short distance, and they were not interested in tying up their property for 20 years. He does not believe the option will be utilized often.

Commissioner Moss-Thomas voiced concern that the 20-year requirement could result in unintended consequences that would stall development that is advantageous to the neighborhood. She pointed out that a 20-year agreement would tie up property, making it difficult to sell, particularly if someone wants to aggregate parcels to do a larger development.

Commissioner Montero observed that the shared parking agreement would simply qualify the developer for the parking reduction. The length of the shared parking agreement is immaterial since the developer would have to provide the required amount of parking into perpetuity, regardless of where it is located. Chair Scully disagreed. After the 20-year agreement expires, there would be no requirement for the property owner to come up with new parking spaces. The end result would be a development with fewer parking stalls than what was originally permitted. Vice Chair Craft asked if the building would be required to maintain the parking requirement even after the 20-year shared parking agreement expires. Mr. Cohen answered no and said the assumption is that the parking demands and needs of the City may change, and requiring that much parking may be obsolete and/or unnecessary at that point.

Ms. Cohen explained that some of the options are difficult to achieve, and others are relatively easy to achieve. The idea is to offer a parameter of options for developers to use to convince the City that a parking reduction would work. It is not likely that the 20-year shared parking agreement would be used often, but it is one of a variety of tools. The intent is to provide enough parking and ensure that all other forms of transportation are built, installed and functional before the reduction is granted. This includes neighborhood protection, as well.

Commissioner Moss-Thomas voiced concern that limiting shared parking agreements to adjoining parcels would further limit a developer's ability to meet the criteria. She felt the provision should also include adjacent properties across the street. Director Markle agreed and also pointed out that some developments only need a small number of shared parking spaces.

Commissioner Maul clarified that a shared parking agreement should not be considered a reduction in parking, so the second sentence in the provision should be either modified or deleted. A developer would simply be providing the required parking on a nearby parcel. He felt the City should allow the concept, but the language needs to be modified.

Commissioner Moss-Thomas noted that the provision would apply citywide and not just to properties close to the light rail stations.

COMMISSIONER MONTERO MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER THE LANGUAGE IN SMC 20.50.400(A)(2) TO READ, "SHARED PARKING AGREEMENT WITH PARCELS WITHIN REASONABLE PROXIMITY WHERE LAND USES DO NOT HAVE CONFLICTING PARKING DEMANDS. THE NUMBER OF ON-SITE PARKING STALLS REQUESTED TO BE REDUCED MUST MATCH THE NUMBER PROVIDED IN THE AGREEMENT. A RECORD ON TITLE WITH KING COUNTY IS REQUIRED."

Mr. Cohen explained that each property would be required to meet the minimum parking requirement no matter what the schedules are, and juggling schedules can be problematic. Commissioner Moss-Thomas summarized that means that the property would need to have excess parking that another property owner could use.

Commissioner Mork questioned the implications of eliminating the 20-year time frame for shared parking agreements. Chair Scully said his interpretation is that eliminating the 20-year requirement would mean the agreement must be maintained in perpetuity or the property owner would have to meet other criteria in order to maintain the parking reduction.

COMMISSIONER MORK SECONDED THE MOTION TO MODIFY THE MAIN MOTION, AND THE MOTION CARRIED UNANIMOUSLY.

Commissioner Mork voiced concern that **SMC 20.50.400(3)** does not include a definition for parking management plans or describe the process for approval. Commissioner Maul noted that all request for a parking reduction must be reviewed and approved by the Director. He also noted that parking and car use is changing rapidly. Rather than providing a list of what the parking management plan should include, he suggested that the more vague language allows flexibility for a potential developer to propose a creative solution. It was pointed out that a parking management plan is just one of the options a developer could employ to obtain the parking reduction, and it is likely that a combination of options would be used.

Rather than the specific details of the plan, Commissioner Mork said she is more focused on the process. For example, who would approve the plan and who could see the plan? She referred to Mr. Poitras' earlier question about how the public would have a chance to see the plan. Commissioner Moss-Thomas pointed out that, as per **SMC 20.50.400(A),** parking management plans would be approved by the Director**.** Once approved, the plan would be part of the permit process that is public record. However, she agreed that more clarity needs to be provided to ensure that reasonable standards are achieved without limiting creativity. Mr. Cohen said staff is currently collecting good examples of

parking management plans. He suggested that a department handout could be prepared to describe the process and the minimum requirements for a parking management plan. This would be similar to the approach used for the traffic impact analysis. He emphasized that once a parking management plan is approved, it is attached to the permit and available as part of the public record.

Commissioner Maul observed that obtaining a parking reduction would require implementation of a combination of the options listed in **SMC 20.50.400(A),** and approval would be at the discretion of the Director. He summarized that all of the Commission's concerns have already been addressed. Vice Chair Craft concurred that the provision offers a collective list to be decided on by the Director. He feels comfortable that staff would collect an appropriate level of information to advise the Director and allow him/her to make an educated and well-reasoned decision.

Commissioner Mork questioned if it would be appropriate to amend the language to direct staff to prepare the department handout to describe the parking management plan process and minimum requirements. The Commission agreed it would be appropriate to include the creation of a handout, but they did not believe it was necessary to outline what the handout should include.

COMMISSIONER MORK MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER SMC 20.50.400(A)(3) TO READ, "PARKING MANAGEMENT PLAN ACCORDING TO CRITERIA ESTABLISHED AND PUBLISHED BY THE DIRECTOR." COMMISSIONER MOSS-THOMAS SECONDED THE MOTION TO AMEND.

Commissioner Maul said his interpretation of the motion to amend is that the Director must publish the document before a parking management plan could be considered. This will require the Director to make a list of ideas that would qualify. Mr. Szafran agreed that, as written, the parking management plan criteria would not be available until the document is published. Commissioner Moss-Thomas suggested that the words "and published" should be eliminated so the director would still have the ability to apply individual criteria until the public document is available.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE AMENDMENT TO THE MAIN MOTION TO ELIMINATE THE WORDS "AND PUBLISHED." COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

THE MOTION TO AMEND THE MAIN MOTION WAS APPROVED AS AMENDED BY A VOTE OF 6-1, WITH COMMISSIONER MAUL VOTING IN OPPOSITION.

Commissioner Montero asked why staff is proposing to eliminate high occupancy vehicle and hybrid or electric vehicle parking from **SMC 20.50.400(3).** Mr. Cohen said the intent was to focus on criteria that is more directly associated with finding other options for parking such as the parking management plan, shared parking agreements, or other modes of transportation such as sidewalks to bus stops. The intent is that the facilities must actually be built. He noted that doing street improvements that protect the neighborhood from spill-over parking is another criterion that could be added.

Commissioner Moss-Thomas asked if there is a reason why **SMC 20.50.400(4)** would only apply to surrounding single-family residential neighborhoods. She asked if it could also be applied to

multifamily residential development. Commissioner Maul agreed that the provision should not be limited to single-family residential neighborhoods.

Chair Scully pointed out that, as currently written, parking associated with a new development would be eligible for on-street parking with a permit. Therefore, an RPZ would do nothing to reduce the number of cars on a street or minimize the impacts of new development. Commissioner Maul suggested that perhaps the RPZ permits could be issued to landowners within one-quarter mile radius of the subject development, which would protect their ability to park in their neighborhoods.

COMMISSIONER MOSS MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER SMC 20.50.400(A)(4) TO READ, "A CITY APPROVED RESIDENTIAL PARKING ZONE (RPZ) FOR THE SURROUNDING NEIGHBORHOOD WITHIN ONE-QUARTER MILE OF THE SUBJECT DEVELOPMENT. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Mork questioned how the City would enforce the RPZ provision. Chair Scully agreed with Mr. Poitras' earlier comment that the City does not currently have an enforcement officer or a program for enforcing the RPZ provision. However, he does not believe that the Development Code is the correct place to address the issue, and the Commission cannot compel the City Council to create a program and provide funding for it. Mr. Szafran said there are already established RPZs throughout the City, and enforcement is done on a complaint basis. It was suggested that the Commission could recommend the City Council establish an RPZ program and provide funding for it. Commissioner Moss-Thomas suggested that perhaps the fees paid by developers on an annual basis could be used to implement the program.

Mr. Cohen commented that there will always be controversy about parking. The type of development that will require the most amount of parking in the City is primarily multifamily residential located in commercial areas that are close to existing single-family residential development. Currently, there are no large districts that are dense, multifamily and commercial development. While this may occur near the stations at some point in the future, the RPZ provision represents a big step forward to address the current situation in the meantime.

Commissioner Mork asked how the City would determine the fee a developer must pay for an RPZ permit. Mr. Szafran said a fee schedule is already in place.

THE MOTION TO AMEND THE MAIN MOTION WAS UNANIMOUSLY APPROVED.

Commissioner Maul referred to **SMC 20.50.400(D),** which allows a parking reduction of up to 50% for the portion of the development that provides low-income housing units that are 60% of Average Median Income (AMI) or less. He said he has worked with two or three affordable housing developers, all of whom indicated people living in the affordable units do not have as many cars. He said he supports the proposed amendment. Chair Scully said the proposed amendment is also consistent with feedback from the Housing Development Consortium and others that people living in the affordable units do not have as many cars. Mr. Szafran said the City's research indicates the same.

Commissioner Moss-Thomas voiced concern that, as written, **SMC 20.50.400(E)** would require the Director to approve a parking reduction of 25% for multifamily development within one-quarter mile of the light rail station.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO ALTER SMC 20.50.400(E) BY REPLACING "WILL" WITH "MAY." VICE CHAIR CRAFT SECONDED THE MOTION.

Chair Scully suggested that **SMC 20.50.400(E)** should be eliminated entirely. The code already allows an opportunity to reduce the parking requirement by 25% within one-quarter mile of a high capacity transit facility if all of the other factors are balanced. He supports the opportunity to reduce parking if it makes sense, but he agreed with public concern that just because a development is next to a light rail station does not automatically mean the occupants will not have cars.

CHAIR SCULLY MOVED THAT THE MOTION TO AMEND BE AMENDED TO ELIMINATE SMC 20.50.400(E) FROM THE PROPOSED ORDINANCE. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.

Commissioner Montero voiced concern that eliminating the provision altogether would be a disservice to future developers and would not provide incentive to develop within the station area. He felt the station would increase opportunities for affordable housing, resulting in fewer people with cars. Requiring a higher level of parking near the station would make development more difficult. Mr. Szafran said the purpose of the provision was to provide incentive for new housing to be located closer to the station.

The Commission discussed that, as amended by Commissioner Moss-Thomas, **SMC 20.50.400(E)** would be redundant with **SMC 20.50.400(A).** The only difference is that **SMC 20.50.400(A)** requires a developer to address other factors and **SMC 20.50.400(E)** would require the director to approve the parking reduction without considering these other factors. Commissioner Moss-Thomas said it is important to make it clear that **SMC 20.50.400(E)** only applies to multifamily development and cannot be combined with Subsections A and D.

CHAIR SCULLY'S MOTION TO ELIMINATE SMC 20.50.400(E) FAILED BY A VOTE OF 1-6.

COMMISSIONER MOSS-THOMAS' MOTION TO CHANGE "WILL" TO "MAY" IN SMC 20.50.400(E) WAS APPROVED BY A VOTE OF 5-2.

THE MAIN MOTION TO FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF AND SUBSEQUENTLY AMENDED BY THE COMMISSION WAS UNANIMOUSLY APPROVED.

Staff Presentation on Batch 5 (SMC 20.60, 20.70, 20.80 and 20.100)

Mr. Szafran reviewed the Batch 4 amendments as follows:

- **Amendment 38.** This amendment in **SMC 20.60.140(A)(1)** is a minor word change to clarify the section.

- **Amendment 39.** This amendment in **SMC 20.60.140(3)** adds a LOS standard for pedestrians and bicycles. The City expects to see more large projects such as Point Wells, the Community Renewal Area, and the station areas, and the amendment would require the developer to evaluate pedestrian and bicycle facilities and calculate LOS when the projects come in.

- **Amendment 40.** This amendment to **SMC 20.70.320** clarifies that frontage improvements are not required for single-family development.

- **Amendment 41.** This amendment to **SMC 20.80.060** updates the department's name and phone number.

  Commissioner Moss-Thomas requested clarification of the term "insert type of critical area." Mr. Szafran explained that development of property that has a critical area on it requires the developer to fill out a form that identifies the type of critical area, and the form would then be recorded on title.

- **Amendment 42.** This amendment to **SMC 20.100.020** adds a new section for all development regulations related to the Community Renewal Area and establishes transition area requirements for the Community Renewal Area. As proposed, all new structures would be required to step back 10 feet after the first 35 feet of building height.

Public Testimony on Batch 5

No one in the audience indicated a desire to comment.

Planning Commission Deliberation and Recommendation on Batch 5

VICE CHAIR CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENTS 38, 39, 40, 41 AND 42 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Chair Scully closed the public hearing on the 2015 Development Code Amendments.

DIRECTOR'S REPORT

Director Markle did not have any additional items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Moss-Thomas announced that the American Planning Association (APA) of Washington is sponsoring an event in early November to celebrate the 25th anniversary of the Growth Management Act. She questioned if the City would provide financial support for Commissioners who are interested in attending the event. Specific details will be provided in the next edition of the *PLANNING COMMISSIONERS QUARTERLY*.

AGENDA FOR NEXT MEETING

Mr. Szafran announced that a public hearing on the 2015 Comprehensive Plan Amendments is scheduled for October 15th.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

_____	_____
Keith Scully	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission