

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 930 - Amending Development Code Chapters 20.20, 20.30, 20.40, and 20.50 and Chapter 13.12 Floodplain Regulations for Batch #1 of the 2021 Development Code Amendments
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

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

The Planning Commission held a study session to discuss the first batch of 2021 Development Code Amendments (Batch #1) and give staff direction on the amendments on March 4, 2021. The Commission then held the required public hearing on April 1, 2021. The Planning Commission recommended that the City Council adopt the proposed amendments as detailed in proposed Ordinance No. 930 (Attachment A).

Batch #1 includes administrative, clarifying, and policy amendments. The amendments being discussed tonight address issues that are time sensitive related to: changes in State law; unclear Development Code language; omissions caused by recent amendments to the Development Code; and may directly result in projects either being developed or not. Staff will bring another batch of amendments forward to the Planning Commission and Council later this year that also address important issues such as tree protection, tree retention, and tree replacement, the Deep Green Incentive Program, SEPA, nonconforming structures, and Conditional Use Permits.

The City Council discussed proposed Ordinance No. 930, as recommended by the Planning Commission, on April 19, 2021. Tonight, Council is scheduled to act on this proposed Ordinance. Prior to action on Ordinance 930, Council may also consider and move proposed amendments as discussed on April 19. Staff has provided amendatory motions in this staff report for Council's use, if needed.

RESOURCE/FINANCIAL IMPACT:

Some of the proposed amendments in proposed Ordinance No. 930 have the ability to influence the construction of multifamily/ mixed-use buildings in the MUR-70' zones in the 145th Street Light Rail Station Areas.

RECOMMENDATION

Staff recommends that the Council adopt Ordinance No. 930 with amendments approved by Council.

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

BACKGROUND

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state rules and regulations, or to respond to changing conditions or needs of the City. Additionally, to ensure participation in FEMA's National Flood Insurance Program, the City's has enacted floodplain management regulations as set forth in SMC Chapter 13.12.

Amendments to the SMC are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. Per SMC 2.20.060, 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.

Batch #1 of the 2021 Development Code amendments is comprised of 14 amendments to the Development Code (Title 20) and one (1) amendment to Chapter 13.12 of the SMC. Batch #1 amendments include administrative changes (reorganization and minor corrections), clarifying amendments, and policy amendments. The Planning Commission held one study session on March 4, 2021, and a Public Hearing on April 1, 2021, on Batch #1. The staff reports for these Planning Commission agenda items can be found at the following links:

- March 4th: <https://www.shorelinewa.gov/home/showpublisheddocument?id=51008>.
- April 1st: <https://www.shorelinewa.gov/home/showpublisheddocument?id=51250>.

At the conclusion of the Public Hearing, the Planning Commission recommended approval of the 14 proposed amendments. A memo to the City Council from the Planning Commission regarding their recommendation is included as Attachment B.

The Planning Commission-recommended Code amendments are included in proposed Ordinance No. 930 as Attachment A, Exhibits A-1, and A-2. Although most of the proposed Development Code amendments in this batch of amendments are aimed at "cleaning up" the code and are more administrative in nature, other amendments are more substantive and have the possibility of encouraging and assisting development in the station areas where the City is focused on providing growth near high-capacity transit.

The City Council discussed proposed Ordinance No. 930, as recommended by the Planning Commission, on April 19, 2021. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport041921-9a.pdf>.

During the Council's April 19th discussion, the Council had comments and proposed alterations to some of the amendments in proposed Ordinance No. 930. Staff has provided responses to those comments and has provided amendatory language for the Council to consider in the next section of this staff report. Specifically, proposed amendment numbers 3, 9, 11 and 14 have comment responses and proposed amendatory language for Council consideration. Tonight, the Council is scheduled to act on proposed Ordinance No. 930.

It must also be noted that pursuant to RCW 86.16.041, the Washington State Department of Ecology (Ecology) has review and approval authority over the amendments to SMC Chapter 13.14. Therefore, these amendments would not become effective until 30 days after the adopted Ordinance is sent to Ecology, unless Ecology disapproved the amendments. Staff did consult with Ecology staff in January 2021 on the floodplain management amendment and no comment was submitted.

DISCUSSION

All the proposed Batch #1 2021 Development Code amendments are listed below. Each amendment includes a description of the amendment, justification for the amendment and staff/Planning Commission recommendations.

Amendment #1

20.20.010 – A definitions

Adult Family Home	A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128 RCW, as amended. <u>An adult family home may have up to eight adults if approved by the State.</u>
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Justification – Washington State now allows up to eight (8) unrelated adults to reside in an Adult Family Home pursuant to RCW 70.128. This amendment will increase the allowed number of individuals in an Adult Family Home in Shoreline to be consistent with the State.

Recommendation – The Planning Commission recommends that this amendment be approved to be consistent with State law concerning the regulation of Adult Family Homes.

Amendment #2

20.20.012 – B Definitions

Best Available Science	Current scientific information used in the process to designate, protect, mitigate impacts to, or restore critical areas, that is derived from a valid
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scientific process as defined by and consistent with the criteria established in Chapter 365-195 WAC 6-900 through 365-196-925.

Justification – This amendment is a housekeeping amendment to update the definition of Best Available Science to be consistent with WAC 365-195, which is the section in the Growth Management Act that lists the background, purpose, and criteria for establishing Best Available Science.

Recommendation – The Planning Commission recommends approval of this amendment to comply with the State’s definition of Best Available Science.

Amendment #3

20.30.100 – Application

A. Who may apply:

1. The property owner, a public agency, 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. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.
3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.
4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
5. 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.
6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

Justification – This amendment will allow public agencies like Sound Transit to apply for land use permits without the requirement of property owners’ signatures for property they do not currently own, but are in the process of acquiring, for public projects within the City of Shoreline.

Recommendation – The Planning Commission recommends approval of this amendment to allow public agencies who are in the process of acquiring land for projects that promote the health, safety, and general welfare of the community in a timely manner.

April 19th Council Discussion – The Council was concerned that including the term “Public Agency” may be too broad, since the definition of public agency includes any local or State government, special purpose districts and local service districts, the United States or any state thereof or any Indian tribe recognized as such by the Federal government. The proposed amendment originally included “Sound Transit” instead of “public agency” but was changed when staff considered a multitude of other projects that are currently underway including the 145th and 185th Corridor projects, sidewalk projects, and utility upgrades. In addition, Council voiced some concern about permitting a public agency to apply for a site-specific comprehensive plan amendment prior to acquisition of property.

Staff has consulted with the City Attorney’s Office and has concluded that any project undertaken by the City would comply with the existing language in “.100(A)(1)”. Unless the property is going through actual condemnation proceedings, the City would ensure that the negotiated purchase contract includes the right to apply for permits prior to closure of the sale.

The intent of the original amendment is to allow transit agencies such as Sound Transit, King County Metro, and/or Community Transit to apply for permits in order to develop the light rail transit system and facilities and other regional transportation systems and facilities such as the 185th Corridor Project and the Stride BRT on State Route 522. The current language in SMC 20.30.100(A)(2) allows a regional transit authority to apply for permits to develop any portion of the light rail transit system or facility but is silent on newer transportation projects in the City by other types of public transit agencies.

Staff recommends not amending the language in SMC 20.30.100(A)(1) as originally proposed but, rather, amending the language in .100(A)(2) and to exclude site-specific comprehensive plan amendments. The new amendatory language would read as follows:

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. Prior to purchase, acquisition, or owner authorization, a regional transit a public agency operating an urban public transportation system providing transit services within the city authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop the urban public transportation system, including any light rail transit facility or any portion of a light rail transit system, bus rapid transit facility or system, or any portion of such facility or system, for property that the governing body of the ~~has been duly authorized by the public agency~~ has passed a resolution or motion authorizing for acquisition or use. ~~No work shall commence in accordance with issued P~~ permits or approvals shall not be issued until all of the necessary property interests, such as fee simple or easement, are secured and/or access to the property for such work has been otherwise approved by the owner of the property.

The above change will allow a public agency operating an urban public transportation system to only apply for Type A, B, or C permits in order to develop the public transportation system as long as the governing body of that urban public transportation system has authorized acquisition. Staff is using the term “urban public transportation system” since this is the term defined in RCW 47.04 that covers not only Sound Transit but also King County Metro and Community Transit.

Amendatory Motion - If Council would like to reject the Planning Commission’s recommendation to amend SMC 20.30.100(A)(1) and to provide for an amendment to SMC 20.30.100(A)(2) so as to apply not only to regional transit authorities but to all public agencies provided urban public transportation systems, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

I move to reject the Planning Commission’s recommendation for Batch Amendment No. 3 to include “public agency” in SMC 20.30.100(A)(1) and to amend SMC 20.30.100(A)(2) as proposed by staff in the May 3, 2021 Staff Report, to allow all public agencies operating an urban public transportation system within Shoreline to submit permit applications prior to property acquisition when their governing body has formerly authorized acquisition but that a permit not be issued until the agency has purchased the property or received owner authorization.

Amendment #4

20.30.297 – Admirative Design Review (Type A)

A. Administrative Design Review approval of departures from the design standards in SMC 20.50.160 through 190, 20.50.220 through 20.50.250, 20.50.450 through 20.50.510 and SMC 20.50.530 through 20.50.6240 shall be granted by the Director upon their finding that the departure is:

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

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

Justification – This amendment will clarify that single-family attached developments are eligible for design departures. The amendment also clarifies that landscaping regulations are also eligible for design departures. Ordinance No. 850, adopted in January 2019, added Subsection 20.50.122 which allowed ADRs for certain standards within the Multifamily and Single-Family Attached Design Standards. Then Ordinance

No. 871, the townhouse design standards, which was adopted in January 2020, renumbered Subsection 20.50.122 to 20.50.130 and allowed design departures from all Single Family Attached design standards. However, SMC 20.30.297 was never correspondingly updated to reflect the change in Ordinance No. 850 or 871. This proposed amendment corrects that omission and makes the Code internally consistent.

This amendment also makes it possible for applicants to submit alternative landscape designs that meet the purpose and intent of the City's landscaping code. Many new developments, especially those in the station areas, are having a difficult time meeting the landscaping requirements in the landscaping code because of lack of space in the setbacks, vegetation that will not grow next to large buildings, and requirements for pedestrian circulation on and through the site. This amendment will not forgive the landscaping requirements required, it will allow staff and the applicant to be flexible with landscape design to choose the best landscape designs for a particular project.

The last amendment in this section clarifies that signs in the Community Renewal Area (Shoreline Place) are eligible for design departures.

Recommendation – The Planning Commission recommends approval of this amendment to promote flexibility for landscaping standards that further the purpose and intent of the City's landscaping regulations. Staff believes landscaping regulations will not be lessened based on the language of this amendment.

Amendment #5

20.40.140 – Other Uses

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

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Nightclubs (excludes Adult Use Facilities)						C	P	P
7111	Outdoor Performance Center							S	P
	<u>Parking Area</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	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

P = Permitted Use
C = Conditional Use

S = Special Use
-i = Indexed Supplemental Criteria

Justification – This amendment clarifies that parking areas are considered an accessory use to those primary uses allowed in each zone. The City does not allow standalone parking areas when not associated with an approved use such as a residential dwelling unit, commercial business, or transit park and ride.

Recommendation – The Planning Commission recommends approval of this amendment to provide clarity to property owners and potential applicants that stand-alone parking areas are not allowed.

Amendment #6

20.40.467 – Parking Areas

Parking areas are allowed as an accessory use to the primary use allowed in that zone.
Parking areas are not allowed as a primary use.

Justification – This section is new and is related to Amendment #5 which adds the “Parking Area” use to SMC Table 20.40.140 – Other uses. The City is receiving questions about stand-alone pay parking lots and opportunities to lease existing parking areas in multifamily buildings where there may be excess parking for the residential units in the building. This is becoming a common question in the light rail station areas where they may be opportunities to locate pay parking areas near the light rail stations. Staff believes this use and the accompanying indexed criteria should be added to the Development Code to clarify that parking areas should be associated with uses allowed in the zone, such as residential dwelling units, offices, restaurants, and other commercial uses that support a mixed-use, pedestrian-oriented neighborhood. The land around the light rail stations and rapid transit corridors, especially the areas zoned MUR-70’, should be reserved for development of high-density residential dwellings and commercial businesses to support the light-rail stations and not large parking areas.

Recommendation – The Planning Commission recommends that this amendment be approved to provide clarity that parking areas are an accessory use to the primary use on a particular parcel.

Amendment #7

Table 20.50.020(1) – Dimensional Requirements

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with	30 ft (35 ft with	35 ft	35 ft	35 ft (40 ft with	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with	35 ft (16)

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
	pitched roof)	pitched roof)			pitched roof)		pitched roof) (8) (16)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow unit lot developments, mixed single-family attached developments and zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.
- (3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.160.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up, except when a single lot is divided by a zone boundary. Refer to 20.50.020(D)(2)(a) for calculation of density when a single lot is divided by a zone boundary.

Justification – This proposed amendment is privately-initiated. This amendment seeks to clarify how density is calculated when one parcel has multiple zoning categories and is related to Amendment #9. Please refer to Amendment #9 for the explanation of the amendment.

Recommendation – The Planning Commission recommends that this amendment be approved.

Amendment #8**20.50.020(2) – Dimensional Requirements**

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on <u>all other streets</u> an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Justification – This amendment makes the front yard setback in MUR-70' zero feet (0') regardless of street classification, like the front yard setback for all Commercial Zones (Neighborhood Business (NB), Community Business (CB), Mixed Business (MB) and Town Center (TC) 1, 2 & 3. During the creation of the Station Subarea Plans, there was a concern about a “canyon effect” for buildings in the MUR-70' zone. These concerns are already addressed through footnote (13), which requires buildings to 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. It should be noted that this

proposed amendment would eliminate footnote (18) which allows a reduction in front setback from 10 feet to 5 feet if 20% of onsite trees are retained. The value of this incentive is questionable. The incentive has never been used and it is unlikely that a change from a 10-foot setback to a 5-foot setback would result in a greater ability to retain trees in MUR-70' since structured parking, which is needed on most multifamily projects, virtually eliminates all tree retention potential.

Now that development proposals in the MUR-70' zone are coming forward, especially proposed projects adjacent to the 148th Street Station, it has become evident that the required 10-foot front yard setback on nonarterial streets does not lend itself to the creation of transit-oriented development (TOD). TOD generally includes compact development that places buildings at the back of the sidewalk creating direct connections to adjacent sidewalks, trails, and the station.

Recommendation – The Planning Commission recommends that this amendment be approved. The proposed amendment will adopt the same setback standards as other like zones such as the Mixed-Business, Town Center 1, and Community Business zones. To mitigate the perceived impacts of large buildings fronting on a street, the Development Code has commercial design standards that require building step-backs, landscaping, public plazas (if commercial), window area of at least 50 percent, and weather protection for pedestrians.

Amendment #9

20.50.020(B) – Base Density Calculation

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-acre site: $2.3 \times 6 = 13.8$
The base density for this site would be 14 dwelling units.

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

Example #3 – R-6 zone, 13,999-square-foot site: $(13,999/43,560 = .3214 \text{ acres})$ so $.3214 \times 6 = 1.92$. 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 $(14,400/43,560 = .331 \text{ acres})$ so $.331 \times 6 = 1.986$. The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

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 Chapter 20.70 SMC), except that submerged lands shall not be credited toward base density calculations.

D. When a lot is divided by a zone boundary, the following rules shall apply:

1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.

2. When a lot contains residential zones of varying density, the following shall apply:

a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density. The calculation of the transfer from the lesser residential density to the greater residential density shall be rounded as an aggregate number as demonstrated in the following examples.

Example #1 – R-6 zone and R-8 zone; R-6 portion of the site: 0.55 acres; R-8 portion of the site: 0.90 acres.

Calculation $(0.55 \times 6 = 3.3) + (0.9 \times 8 = 7.2) = 10.5$, which rounds up to 11.

Conclusion: The base density for this site would be 11 dwelling units.

Example #2 – R-8 zone and R-24 zone; R-8 portion of the site: 1.1 acres; R-24 zone portion of the site: 0.70 acres.

Calculation: $(1.1 \times 8 = 8.8) + (0.70 \times 24 = 16.8) = 25.6$ which rounds up to 26.

Conclusion: The base density for this site would be 26 dwelling units.

b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

- The transfer enhances the efficient use of needed infrastructure.
- The transfer contributes to preservation of critical areas, or other natural features; and
- The transfer does not result in significant adverse impacts to adjoining lower-density properties.

Example: A development site is 3.8 acres. 1.5 acres is zoned R-12 and 2.3 acres is zoned R-24. The base density for the R-12 portion: $1.5 \times 12 = 18$ dwelling units, for the R-24 portion: $2.3 \times 24 = 55.2$ rounded to 55 dwelling units. The overall base density for the site is $18 + 55 = 73$ dwelling units.

Justification – This is a privately initiated amendment that is related to Amendment #7. This amendment clarifies how density is calculated when one parcel has multiple zoning categories. Currently, parcels with zones of varying residential densities allow the transfer of density from the lower zoning district to the higher zoning district. The density is first calculated for one zoning district then calculated for the next zoning district. When the density is calculated for the first zoning district, the number, if a decimal, is rounded either up or down. The density for the second portion of the parcel is then calculated the same way. After the rounding is done separately, the two numbers are then added together to get the final density on the parcel.

This amendment clarifies that the density for a parcel with multiple zoning districts will be rounded after the density of each zone is calculated. The current and proposed examples of density rounding is shown below:

Recommended Example: A parcel with an R-6 and R-8 zone; R-6 portion of the site: 0.55 acres; R-8 portion of the site: 0.90 acres.

Calculation $(0.55 \times 6 = 3.3; \text{rounding down} = 3) + (0.9 \times 8 = 7.2; \text{rounding down} = 7) = 10$.

Conclusion: The base density for this site would be 10 dwelling units.

Proposed: A parcel with an R-6 and R-8 zone; R-6 portion of the site: 0.55 acres; R-8 portion of the site: 0.90 acres.

Calculation $(0.55 \times 6 = 3.3; \text{do not round} = 3.3) + (0.9 \times 8 = 7.2; \text{do not round} = 7.2) = 10.5$, which rounds up to 11.

Conclusion: The base density for this site would be 11 dwelling units.

Recommendation – The Planning Commission recommends approval of this amendment to provide clarity that when calculating density for a parcel with multiple zones, staff will calculate the density of each zone, add the densities together, then round the number to get the allowed density of the entire site.

April 19th Council Discussion – The Council had a concern that both examples in the proposed amendment round “up” to the next higher number. Council believes there should be an example where the density rounds down. Staff recommends replacing Example #2 to show how a calculation can round down. Example #2 would read as follows:

Example #2 – R-8 zone and R-24 zone; R-8 portion of the site: 1.1 acres; R-24 zone portion of the site: 0.60 acres.

Calculation: $(1.1 \times 8 = 8.8) + (0.60 \times 24 = 14.4) = 23.2$ which rounds down to 23.

Conclusion: The base density for this site would be 23 dwelling units.

Amendatory Motion – If Council would like to amend SMC 20.50.020(B) to use the examples shown above, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

I move to modify the Planning Commission’s recommendation for Batch Amendment No. 9 to amend Example 2 for SMC 20.50.020(D)(2)(a) to use the “rounding down” Example #2 proposed by staff in the May 3, 2021 Staff Report.

Amendment #10

20.50.390 – Minimum Off-Street Parking Requirements – Standards

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.

E. If this chapter does not specify a parking requirement for a land use, the Director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated parking demand. The study shall provide sufficient information to demonstrate the parking demand for a specific land use will be satisfied. The study shall be prepared by a professional engineer with expertise in traffic and parking analyses, or a qualified professional as authorized by the Director.

Justification – This amendment allows the Director to determine parking requirements for uses that are unlisted in the City’s Development Code. Currently, when an application is submitted for development for a use not listed in Chapter 20.40, staff tries to find the closest match in the use tables. This amendment will allow an applicant to submit a parking demand study for a proposed use that is not listed in the Code. This will prevent parking areas that may be too large for a specific use, saving the applicant development costs. This will also reduce the amount of impervious surface in the City which will lessen the amount of stormwater flowing into the City’s system.

Recommendation – The Planning Commission recommends approval of this amendment. This amendment provides a fair way for an applicant to propose a correct calculation for parking when an exact use is not listed in the Development Code. The proposed parking calculation is required to be prepared by a professional engineer who has expertise in determining parking and transportation impacts.

Amendment #11

20.50.400 – Reductions to Minimum Parking Requirements

A. Reductions of up to 25 percent may be approved by the Director when subsection (A)(1) of this section is met, or when or when a combination of two or more of the following subsections (A)(2) through (9) of this section is met:

1. A high-capacity transit service stop (e.g. bus rapid transit, light rail) is within one-quarter mile of the development’s property line with a complete pedestrian

route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings. For developments seeking reductions prior to revenue service at new stops, a parking management plan shall be prepared that at a minimum shall address how parking demand will be managed between occupancy and the start of revenue service to the new stop. The parking management plan shall be filed with the application(s) for land use approval or building permit, as applicable to the development.

2. A parking demand analysis prepared by a qualified professional demonstrates that parking demand can be satisfied with a reduced parking requirement.

3. There is a shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. A record on title with King County is required.

4. A parking management plan is prepared by the applicant according to criteria established by the Director.

5. A City-approved residential parking zone (RPZ) is established for the surrounding neighborhood within a one-quarter mile radius of the development's property line. The management cost for the RPZ must be paid by the applicant and/or property owner on an annual basis.

6. A public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as plazas and bike facilities.

~~7. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.~~

8. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.

9. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

- a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
- b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
- c. Minimum Size Requirements for Replacement Trees Under this Subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.

10. On-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s).

B. Parking reductions for Deep Green Incentive Program projects are set forth in SMC 20.50.630.

C. A request for a parking reduction shall be processed as a Type A action, as set forth in SMC 20.30, Subchapter 2 ~~an interpretation of the Development Code.~~

D. When granting a parking reduction, the Director may impose performance standards and conditions of approval on a project, including a financial guarantee.

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may be combined with parking reductions identified in subsection A of this section.

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

~~F. G.~~ Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

Justification – This amendment clarifies when staff can approve a 25% parking reduction when a new development is proposed with a ¼ mile of either the 148th or 185th light rail stations. Staff believes it is necessary to have the flexibility to approve the parking reduction before light rail is fully operational to the public. Buildings constructed a year or two before the opening of the stations should still qualify for the parking reduction so that developers do not have to construct excess parking and incur unnecessary expenses.

Because this amendment may allow a parking reduction before the light rail is open to the public, the developer must submit a parking management plan that addresses how parking will be managed between the time the building is built and when the station opens for regular service.

In cases where a developer or tenant believes that the parking requirement is unnecessarily high, they may provide a study to support a request for a parking reduction due to site or operational conditions. Traffic calming is removed as a justification for parking reductions as it does not directly impact parking demand.

Recommendation – The Planning Commission recommends approval of this amendment. This amendment allows an applicant to reduce parking by 25% for residential projects within ¼ mile from the light rail stations. By allowing staff to approve a parking reduction before light rail is operational will save the developer from having to over-park a residential project. Once light rail is in operation, those parking spaces will go unused as more people choose to use alternate modes of transportation.

April 19th Council Discussion – Council was concerned about requiring expensive parking studies and Parking Management Plans for developments near the City’s light-rail stations and other areas close to frequent, high-capacity transit service. Parking management plans and other parking studies may be unnecessary since the completion of new mixed-use or multifamily projects will be near the completion date of Sound Transit’s public fare service. Council suggested excluding the new language that refers to parking management plans. The intent of the amendment is to allow the full 25% parking reduction when a new project is proposed within ¼ mile of either light-rail station or other high-capacity transit system (i.e., KC Metro E-Line). To reflect Council’s suggestion, staff suggests the following language:

1. A high-capacity transit service stop (e.g. bus rapid transit, light rail) is within one-quarter mile of the development’s property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings. This provision applies to developments seeking reductions prior to and after commencement of revenue service at new stops, a parking management plan shall be prepared that at a minimum shall address how parking demand will be managed between occupancy and the start of revenue service to the new stop. The parking management plan shall be filed with the application(s) for land use approval or building permit, as applicable to the development.

Amendatory Motion – If Council would like to amend SMC 20.50.400(A)(1) to clarify when the reduction is applied and to not require a parking management plan, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

I move to reject the Planning Commission’s recommendation in Batch Amendment No. 11 to amend SMC 20.50.400(A)(1) requiring preparation of a parking management plan and to amend SMC 20.50.400(A)(1) as proposed by staff in the May 3, 2021 Staff Report so that such a plan is not required.

Amendment #12

20.50.410 – Parking Design Standards

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.

Justification – Table 20.50.390A – General Residential Parking Standards has been amended over time. As a result, the minimum spaces required has been reduced. The minimum required parking spaces for studio and one-bedroom units has been reduced to 0.75 spaces per dwelling unit. This reduction no longer translates into each unit having its own parking space. Therefore, staff is recommending that SMC 20.50.410(B) be amended to delete the last sentence, “Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director”. To approve a new development, the applicant must provide a parking plan that shows how parking impacts will be addressed. In some cases, the development may include car-sharing and proximity to high-capacity transit. In other cases, a development may provide more affordable units which can reduce the parking requirements of the entire building.

Recommendation – The Planning Commission recommends approval of this amendment since the number of units do not correspond to the number of parking spaces making the enforcement of this section difficult.

Amendment #13

20.50.457 – Administrative Design Review

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the landscape standards in this subchapter.

Justification – This amendment is related to Amendment #4 and makes it possible for an applicant to submit alternative landscape designs that meet the purpose and intent of the City’s landscaping code. Many new developments, especially those in the station areas, are having a difficult time meeting the landscaping requirements in the landscaping code because of lack of space in the setbacks, vegetation that will not grow next to large buildings, and requirements for pedestrian circulation on and through the site. This amendment will not waive the landscaping requirements, it will allow staff and the applicant to be flexible with landscape design to choose the best landscape designs for a particular project.

Recommendation – The Planning Commission recommends that this amendment be approved to provide appropriate landscaping areas and materials in new multifamily and mixed-use buildings in order to meet the intent of the Development Code.

Amendment #14**20.50.630 - Deep Green Incentive Program (DGIP)**

D. **Incentives.** A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 – ~~Living Building Challenge or Living Community Challenge~~ may be granted a waiver of up to 100 percent City-imposed preapplication and permit application fees. A project qualifying for Tier 2 – ~~Emerald Star or Petal Recognition~~ may be granted a waiver of up to 75 percent of City-imposed application fees. A project qualifying for Tier 3 – ~~LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or ZE/Salmon Safe~~ may be granted a waiver of up to 50 percent of City-imposed application fees. A project qualifying for Tier 4 – ~~PHIUS+ or 4-Star~~ may be granted a waiver of up to 25 percent of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with subsection E of this section.
4. Expedited permit review without additional fees provided in Chapter 3.01 SMC for Tier 1, 2 and 3 projects.

Justification – Expedited review is a major incentive for developers and can come at a significant cost to the City if projects need to be sent out for consultant review. The City has limited capacity to offer this incentive when there are high levels of development activity. Therefore, this level of incentive should be reserved for projects with a higher level of environmental achievement.

Recommendation – The Planning Commission recommends approval of this amendment. The incentives offered under the DGIP should be reserved for those projects that build to a higher level of environmental sustainability and energy savings, especially since Tier 4 is the base and required in the Station Areas.

April 19th Council Discussion – This amendment will remove the incentive of expedited permitting for projects meeting Tier 4 of the Deep Green Incentive Program. Staff brought this forward to Council to either confirm or not confirm that projects in the MUR-70' zone should qualify for this incentive since 4-star Built Green is required in the MUR zones. Staff have been applying this incentive to projects in the MUR zones and there are projects currently in development in the MUR-70' zone that are relying on this provision. Council is concerned that we have told applicants in past preapplication meetings that this incentive will be available and by approving the proposed amendment, the City will be changing course from what was explained before. Staff agrees that comments documented in past communications and preapplication letters should be honored.

Staff believes there are two ways to address concerns around the topic of expedited permit incentives for Tier 4 DGIP in the MUR-70' zone. *Option 1* would delay the implementation of this amendment to a date in the future, and staff would recommend the last day of the year - December 31, 2021. This will allow those applicants that have held preapplication meetings with the City the opportunity to submit a complete building permit application, which will vest the application to the codes in effect.

Option 2 would be to withdraw this amendment from the Batch #1 and consider the topic of incentives when Council discusses the entire suite of options to encourage development in the MUR-70' zone in the next year. This will allow a complete picture of the issues and opportunities for new development around the two light-rail stations.

Amendatory Motion #1 – If Council would like to approve the Planning Commission's recommendation and delay adoption of the amendment until December 31, 2021, a Councilmember would need to move the following:

I move to approve the Planning Commission's recommendation to amend SMC 20.50.630(D)(4) with an implementation date of December 31, 2021.

Or

Amendatory Motion #2 – If Council would like to modify the Planning Commission's recommendation to withdraw Amendment #14, a Councilmember would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation to withdraw Amendment #14 and consider the amendment during the MUR-70' development discussion.

SMC Chapter 13.12 Amendment

13.12.500(B) – General Flood Protection Standards

- A. In the special flood hazard area, all new structures and substantial improvements shall be protected from flood damage below the flood protection elevation, including:
1. Construction or placement of a new structure.
 2. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building.
 3. Repairs to an existing building that has been substantially damaged.
 4. Placing a manufactured home on a site.
 5. Placing a recreational vehicle or travel trailer on a site for more than 180 days.

B. General Flood Protection Standards.

1. The structure shall be aligned parallel with the direction of flood flows where practicable.
2. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
3. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.
4. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed to prevent water from entering or accumulating within them during conditions of flooding.
5. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall meet or exceed the following minimum criteria:
 - a. Include a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exist of floodwaters.
6. If structures are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

Justification – This amendment clarifies that areas below the lowest floor can only be used for parking, storage, or building access. This amendment is being recommended by the State Department of Ecology as a requirement of continued membership in the National Flood Insurance Program (NFIP).

Recommendation – Staff recommends approval of this amendment to comply with the State of Washington Department of Ecology's regulations for floodplains.

NOTE - This amendment is subject to Washington State Department of Ecology review and approval pursuant to RCW 86.16.041. If adopted by Council, a copy of Ordinance No. 930 and this amendment will be transmitted to the Department of Ecology. Unless disapproved by Ecology, the amendment would become effective 30 days after it was sent.

RESOURCE/FINANCIAL IMPACT

Some of the proposed amendments in proposed Ordinance No. 930 have the ability to influence the construction of multifamily/mixed-use buildings in the MUR-70' zones in the 145th Street Light Rail Station Areas.

RECOMMENDATION

Staff recommends that the Council adopt Ordinance No. 930 with amendments approved by Council.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 930

Attachment A, Exhibit A-1 – Proposed Amendments SMC Title 20

Attachment A, Exhibit A-2 – Proposed Amendments SMC Chapter 13.12

Attachment B – April 1, 2021 Memorandum from the Shoreline Planning Commission

ORDINANCE NO. 930

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, AND CHAPTER 13.12 FLOODPLAIN MANAGEMENT, REPRESENTING PART ONE OF THE 2021 DEVELOPMENT CODE BATCH AMENDMENTS TO PROVIDE CLARITY TO EXISTING REGULATIONS, PROVIDE FOR BETTER ADMINISTRATION OF THE REGULATIONS, AND REFLECT POLICY MODIFICATIONS IN RESPONSE TO THE CHANGING NEEDS OF THE CITY.

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

WHEREAS, Shoreline Municipal Code (SMC) Title 20, sets for the City's Unified Development Code and Chapter 13.12 sets forth specific regulations in relationship to floodplain management to ensure eligibility for FEMA's National Flood Insurance Program; and

WHEREAS, the 2021 Development Code Amendments are being processed in multiple batches with the first batch including administrative, clarifying, and policy amendments reflecting changes in state law, unclear language, typographic errors or omissions, and the applicability of existing code to projects; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the amendments resulted in the issuance of a Determination of Non-Significance (DNS) on March 17, 2021; and

WHEREAS, on March 4, 2021, the City of Shoreline Planning Commission reviewed the proposed amendments; on April 1, 2021, the Planning Commission held a public hearing on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted that the proposed amendments, as presented by Staff, be approved by the City Council; and

WHEREAS, on April 19, 2021, the City Council held a study session on the proposed amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments to Title 20 are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020; and

WHEREAS, additionally, the City Council has determined that the amendment to Chapter 13.12 is consistent with the Shoreline Comprehensive Plan and the Unified Development Code, and promotes the purpose of the floodplain management regulations as set forth in SMC 13.12.100(B);

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

Section 1. Amendments.

A. Unified Development Code. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A-1 to this Ordinance.

B. Floodplain Management. Chapter 13.12 of the Shoreline Municipal Code, Floodplain Management, is amended as set forth in Exhibit A-2 to this Ordinance.

Section 2. Transmittal of Amendments to State Agencies.

A. Washington State Department of Commerce. Pursuant to RCW 36.70A.106, the Director of Planning and Community Development, or designee, is directed to transmit a complete and accurate copy of this Ordinance and Exhibit A-1 and Exhibit A-2, to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

B. Washington State Department of Ecology. Pursuant to RCW 86.16.051, the Director of Planning and Community Development, or designee, is directed to promptly transmit a certified copy of this Ordinance and Exhibit A-2 to the Washington State Department for review and approval.

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

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional

or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. Publication and Effective Dates.

A. Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper.

B. Effective Dates.

1. Exhibit A-1. Exhibit A-1 to this Ordinance shall take effect five days after publication.

2. Exhibit A-2. Unless disapproved by the Washington State Department of Ecology, Exhibit A-2 to this Ordinance shall take effect thirty (30) days from filing with the Department of Ecology as provided in Section 2.

PASSED BY THE CITY COUNCIL ON MAY 3, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor
Assistant City Attorney
On behalf of Margaret King
City Attorney

Date of Publication: , 2021

Exhibit A-1
Effective Date: , 2021

Exhibit A-2
Date filed with Ecology: , 2021
Effective Date: , 2021

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1

20.20.010 – A definitions

Adult Family Home	A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128 RCW, as amended. <u>An adult family home may have up to eight adults if approved by the State.</u>
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Amendment #2

20.20.012 – B Definitions

Best Available Science	Current scientific information used in the process to designate, protect, mitigate impacts to, or restore critical areas, that is derived from a valid scientific process as defined by <u>and consistent with the criteria established in Chapter 365-195 WAC 6-900 through 365-196-925.</u>
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20.30 Amendments

Amendment #3

20.30.100 – Application

A. Who may apply:

1. The property owner, a public agency, 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. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.
3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.
4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.

5. 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.
6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

Amendment #4**20.30.297 – Admirative Design Review (Type A)**

A. Administrative Design Review approval of departures from the design standards in SMC 20.50.160 through 190, 20.50.220 through 20.50.250, 20.50.450 through 20.50.510 and SMC 20.50.530 through 20.50.6240 shall be granted by the Director upon their finding that the departure is:

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

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

20.40 Amendments**Amendment #5****20.40.140 – Other Uses**

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				

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	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
	<u>Parking Area</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	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

P = Permitted Use
C = Conditional Use

S = Special Use
-i = Indexed Supplemental
Criteria

Amendment #6

20.40.467 – Parking Areas

Parking areas are allowed as an accessory use to the primary use allowed in that zone. Parking areas are not allowed as a primary use.

20.50 Amendments**Amendment #7**

Table 20.50.020(1) – Dimensional Requirements

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow unit lot developments, mixed single-family attached developments and zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.
- (3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.160.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up, except when a single lot is divided by a zone boundary. Refer to 20.50.020(D)(2)(a) for calculation of density when a single lot is divided by a zone boundary.

Amendment #8

20.50.020(2) – Dimensional Requirements

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on <u>all other streets</u> an arterial street 10 ft on nonarterial street (18)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Amendment #9**20.50.020(B) – Base Density Calculation**

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-acre site: $2.3 \times 6 = 13.8$
The base density for this site would be 14 dwelling units.

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

Example #3 – R-6 zone, 13,999-square-foot site: $(13,999/43,560 = .3214 \text{ acres})$ so $.3214 \times 6 = 1.92$. 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 $(14,400/43,560 = .331 \text{ acres})$ so $.331 \times 6 = 1.986$. The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

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 Chapter 20.70 SMC), except that submerged lands shall not be credited toward base density calculations.

D. When a lot is divided by a zone boundary, the following rules shall apply:

1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.
2. When a lot contains residential zones of varying density, the following shall apply:

- a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density. The calculation of the transfer from the lesser residential density to the greater residential density shall be rounded as an aggregate number as demonstrated in the following examples.

Example #1 – R-6 zone and R-8 zone; R-6 portion of the site: 0.55 acres; R-8 portion of the site: 0.90 acres.

Calculation $(0.55 \times 6 = 3.3) + (0.9 \times 8 = 7.2) = 10.5$, which rounds up to 11.

Conclusion: The base density for this site would be 11 dwelling units.

Example #2 – R-8 zone and R-24 zone; R-8 portion of the site: 1.1 acres; R-24 zone portion of the site: 0.70 acres.

Calculation: $(1.1 \times 8 = 8.8) + (0.70 \times 24 = 16.8) = 25.6$ which rounds up to 26.

Conclusion: The base density for this site would be 26 dwelling units.

- b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

- The transfer enhances the efficient use of needed infrastructure.
- The transfer contributes to preservation of critical areas, or other natural features; and
- The transfer does not result in significant adverse impacts to adjoining lower-density properties.

Example: A development site is 3.8 acres. 1.5 acres is zoned R-12 and 2.3 acres is zoned R-24. The base density for the R-12 portion: $1.5 \times 12 = 18$ dwelling units, for the R-24 portion: $2.3 \times 24 = 55.2$ rounded to 55 dwelling units. The overall base density for the site is $18 + 55 = 73$ dwelling units.

Amendment #10**20.50.390 – Minimum Off-Street Parking Requirements – Standards**

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.

E. If this chapter does not specify a parking requirement for a land use, the Director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated parking demand. The study shall provide sufficient information to demonstrate the parking demand for a specific land use will be satisfied. The study shall be prepared by a professional engineer with expertise in traffic and parking analyses, or a qualified professional as authorized by the Director.

Amendment #11**20.50.400 – Reductions to Minimum Parking Requirements**

A. Reductions of up to 25 percent may be approved by the Director when subsection (A)(1) of this section is met, or when or when a combination of two or more of the following subsections (A)(2) through (9) of this section is met:

1. A high-capacity transit service stop (e.g. bus rapid transit, light rail) is within one-quarter mile of the development's property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings. For developments seeking reductions prior to revenue service at new stops, a parking management plan shall be prepared that at a minimum shall address how parking demand will be managed between occupancy and the start of revenue service to the new stop. The parking management plan shall be filed with the application(s) for land use approval or building permit, as applicable to the development.

2. A parking demand analysis prepared by a qualified professional demonstrates that parking demand can be satisfied with a reduced parking requirement.

3. There is a shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. A record on title with King County is required.

4. A parking management plan is prepared by the applicant according to criteria established by the Director.

5. A City-approved residential parking zone (RPZ) is established for the surrounding neighborhood within a one-quarter mile radius of the development's property line. The management cost for the RPZ must be paid by the applicant and/or property owner on an annual basis.

6. A public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the

Engineering Design Manual. This easement may include other pedestrian facilities such as plazas and bike facilities.

~~7. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.~~

8. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.

9. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

- a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
- b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
- c. Minimum Size Requirements for Replacement Trees Under this Subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.

10. On-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s).

B. Parking reductions for Deep Green Incentive Program projects are set forth in SMC 20.50.630.

C. A request for a parking reduction shall be processed as a Type A action, as set forth in SMC 20.30, Subchapter 2 ~~an interpretation of the Development Code.~~

D. When granting a parking reduction, the Director may impose performance standards and conditions of approval on a project, including a financial guarantee.

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may be combined with parking reductions identified in subsection A of this section.

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

F. ~~G.~~ Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

Amendment #12

20.50.410 – Parking Design Standards

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.

Amendment #13

20.50.457 – Administrative Design Review

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the landscape standards in this subchapter.

Amendment #14

20.50.630 - Deep Green Incentive Program (DGIP)

D. **Incentives.** A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 – ~~Living Building Challenge or Living Community Challenge~~ may be granted a waiver of up to 100 percent City-imposed preapplication and permit application fees. A project qualifying for Tier 2 – ~~Emerald Star or Petal Recognition~~ may be granted a waiver of up to 75 percent of City-imposed application fees. A project qualifying for Tier 3 – ~~LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or ZE/Salmon Safe~~ may be granted a waiver of up to 50 percent of City-imposed application fees. A project qualifying for Tier 4 – ~~PHIUS+ or 4-Star~~ may be granted a waiver of up to 25 percent of City-imposed application fees.
 2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
 3. Departures from Development Code requirements when in compliance with subsection E of this section.
 4. Expedited permit review without additional fees provided in Chapter 3.01 SMC for Tier 1, 2 and 3 projects.
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Title 13 Amendments

13.12.500(B) – General Flood Protection Standards

A. In the special flood hazard area, all new structures and substantial improvements shall be protected from flood damage below the flood protection elevation, including:

1. Construction or placement of a new structure.
2. Reconstruction, rehabilitation, or other improvement that will result in a substantially improved building.
3. Repairs to an existing building that has been substantially damaged.
4. Placing a manufactured home on a site.
5. Placing a recreational vehicle or travel trailer on a site for more than 180 days.

B. General Flood Protection Standards.

1. The structure shall be aligned parallel with the direction of flood flows where practicable.
2. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
3. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.
4. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed to prevent water from entering or accumulating within them during conditions of flooding.
5. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall meet or exceed the following minimum criteria:
 - a. Include a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.

- c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and
- d. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exist of floodwaters.

6. If structures are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.



TO: Honorable Members of the Shoreline City Council

FROM: Laura Mork, Chair
Shoreline Planning Commission

DATE: April 2, 2021

RE: Development Code Amendments – Batch #1

The Shoreline Planning Commission has completed its review of the proposed Development Code Amendments – Batch #1. Staff from the City Planning and Community Development Department presented a total of 14 amendments intended to implement changes in the law, clarify existing code provisions, or address policy changes.

The Planning Commission held a study session on March 4, 2021 and a Public Hearing on April 1, 2021. The Planning Commission appreciated design changes within the MUR zones and, while the Planning Commission remained concerned about parking, especially in the station areas, and incentivizing green building outside of the station areas, the Planning Commission felt that the amendments provided the needed modifications and clarifications.

In consideration of the Planning Staff's recommendations, written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the Development Code Amendments – Batch #1, as presented by Staff.