

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 968 – Amending Chapters 20.30, 20.40, and 20.50 of the Shoreline Municipal Code to Modify Regulations for Development Within the MUR-70’ Zoning District
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Andrew Bauer, Planning Manager
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:

At their June 27, 2022 meeting, the City Council discussed several Council-proposed amendments to the Planning Commission’s recommendation to amend Development Code provisions in the Mixed-Use Residential 70’ (MUR-70’) zone. The Commission’s recommendation is the culmination of ongoing efforts to streamline and remove barriers to development in the MUR-70’ zone to advance the implementation of the City’s light rail station subarea plans.

At the June 27th meeting, Council decided to continue the discussion to provide opportunity for more analysis on the Council-proposed amendments presented at the meeting. One additional Council amendment related to tree preservation has been added since the June 27th meeting and the Council amendments have been re-numbered accordingly.

Tonight, Council is scheduled to take action on the Planning Commission’s recommended Development Code amendments. The amendments are in proposed Ordinance No. 968 (Attachment A). The Council-proposed amendments are included for consideration in this staff report.

RESOURCE/FINANCIAL IMPACT:

The proposed Development Code amendments in proposed Ordinance No. 968 will not have a direct immediate financial impact to the City. Additional staff resources would be needed to review traffic demand management (TDM) plans associated with new developments and periodically check-in on the performance in future years.

Depending on which Council-proposed amendments are approved and adopted into proposed Ordinance No. 968 there could be additional resource and/or financial impacts. Those impacts are summarized in the discussion section of the Council-proposed amendments.

RECOMMENDATION

The Planning Commission has recommended adoption of the proposed amendments in Attachment A, Exhibit A of proposed Ordinance No. 968. The City Council made amendments to the Planning Commission recommendation during the June 27, 2022, Council Meeting. Staff recommends adoption of Ordinance No. 968.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

The purpose of the Planning Commission's recommended MUR-70' amendments is to refine standards and streamline processes for some of the requirements that could have the greatest impacts on a development as they relate to cost and time. The Planning Commission's recommended amendments are intended to encourage the type of compact transit-oriented development envisioned in the light rail station subarea plans. The vision adopted by the City Council in the light rail station subarea plans were to create the highest density mixed-use development in the City around the regional transit investment.

By encouraging and streamlining development, other City goals can be advanced such as providing more housing affordable to a range of income levels that are near light rail – leveraging the region's once-in-a-generation transit investments. Planning for more people close to transit also creates more reliance on transit, and less reliance on personal vehicles, advancing the City's climate and transportation goals.

The broad goals surrounding housing, climate and sustainability, and supporting development near the light rail stations were discussed at the [October 25, 2021](#) joint meeting between the Council and Planning Commission. Several topics for potential amendments were discussed at that meeting. However, there was agreement from the Council at that time that any amendments should not sacrifice broader citywide goals.

With the direction from Council, the Planning Commission at their [December 2, 2021](#) meeting directed staff to prepare amendments that would allow more parking flexibility and streamline the requirements for developments seeking the maximum building height of 140 feet.

The Planning Commission's recommended Development Code amendments included in proposed Ordinance No. 968 were presented to the City Council at their June 6, 2022 meeting. This included a memorandum from the Planning Commission to the Council regarding their recommendation. The staff report for this June 6th Council discussion can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2022/staffreport060622-9b.pdf>.

Development Code Amendments

As currently written, the maximum parking reduction is 25 percent for developments within a ¼ mile of the light rail stations. The Planning Commission's recommendation (Attachment A, Exhibit A) would allow for up to a 50 percent reduction for all MUR-70' zones with approval of a Transportation Demand Management (TDM) Plan.

Developments seeking to achieve up to the maximum building height of 140 feet are currently subject to a Development Agreement requiring a review by Planning Commission, public hearing, and decision by Council. In addition to this lengthy process are a series of additional requirements put on the development. The Planning Commission reduced the list down from seven to four additional requirements on these types of developments – keeping those that offered the most direct meaningful value to the community.

The Commission's recommendation also eliminates the need for a Development Agreement and instead would require a neighborhood meeting and administrative review process, similar to how other large commercial or multifamily developments are reviewed. This amendment would also provide a more timely and predictable review process.

A summary of the current regulations, Planning Commission recommendation, and Planning Commission recommendation with the Council-proposed amendments is included in Attachment C.

Developer Stakeholder Feedback

Staff engaged the City's Developer Stakeholder Group on MUR-70' development challenges in June 2021 as potential topics were being scoped for consideration, and again in March 2022 to share the draft amendments being considered by Planning Commission. The key comments and themes gathered during both these meetings included:

- Parking requirements should offer more opportunity for reductions
- The draft framework to offer parking reductions of up to 50 percent was well received in March 2022
- The current market does not support high rise development (8+ stories), but it is important to be positioned for when the market responds
- 140 foot maximum height is attractive, but there are more requirements as the height increases – there should be less requirements for taller buildings, not more
- Predictability is paramount for developers
- A clear and fast process can be one of the biggest benefits offered by the City

DISCUSSION

The Cities of Mountlake Terrace, Lynnwood, Seattle (Roosevelt and Northgate), and Bellevue (Spring District) have been used as comparisons on topics such as parking, building height and review process. These nearby cities have implemented transit-supportive zoning and development regulations similar to Shoreline and have existing or planned light rail stations.

Of the cities reviewed, the maximum height nearest the light rail stations ranged from 140-150 feet, while the block nearest the Northgate Station allows up to 240 feet (145 feet otherwise) and areas of Lynnwood could allow up to 350 feet (140 feet otherwise).

Staff reviewed these cities to understand whether additional requirements are triggered to achieve the maximum height. Generally, the development requirements are written so as to scale proportionally with a development. For example, open space requirements are based on the number of units or size of the building, similar to Shoreline's.

Both Bellevue and Seattle contain incentives by which a development must provide an amenity such as additional open space or plazas to achieve additional floor area or height.

In many ways, the City's MUR-70' zone height is structured similarly in that in order to achieve the maximum height additional development requirements must be met. However, it is essential to balance the "incentive" (i.e. additional height) with the requirements to achieve the incentive. If the requirements outweigh the benefit of added height, then the provisions are likely to go unused.

Council Amendments

There are several Council-proposed amendments to the Planning Commission recommendation. At the June 27th meeting, Council worked through amendments #1-4. The discussion below has been updated to reflect the Council amendments that were passed and additional discussion and analysis added where necessary. An updated summary of the Council amendments is also in Attachment B and includes the most recent Council-proposed amendments and the status of the amendments Council discussed at the June 27th meeting.

Two additional Council-proposed amendments are now included, and the amendments have been re-numbered accordingly.

Below are all the Councilmember proposed amendments (provided in ***italics and highlighted*** in the various Code sections), staff's recommendation, the status of each, and a brief discussion.

Council Amendment #1 – SMC 20.30.297(C)(3)

Staff Recommendation – *Neutral*

Status – *Passed*

Council considered this amendment on June 27, 2022. During the June 27th Council discussion, the amendment was revised to expand the notification requirement within the MUR-70 for developments above the base height of 70' from 500 feet to 1,000 feet and to include additional notification requirements. This amendment added additional requirements for noticing of the neighborhood meeting and opportunity for public comment.

Planning Commission Recommendation – SMC 20.30.297(C)

- A. Administrative design review approval of departures from the design standards in SMC 20.50.160 through 20.50.190, 20.50.220 through 20.50.250, 20.50.450 through 20.50.510 and SMC 20.50.530 through 20.50.620 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 subsections (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.
- C. Developments in the MUR-70' zone exceeding the base height and which are not utilizing the significant tree retention height incentive in Table 20.50.020(2), footnote 12, or the height incentive within the Deep Green Incentive Program in SMC 20.50.630, shall be subject to Administrative Design Review approval. The Director shall grant approval of developments up to 140 feet in height upon their finding that the development:
1. Is consistent with the goals and policies of the Comprehensive Plan; and
 2. Will be supported by adequate infrastructure, facilities, and public services to serve the development; and
 3. Conducts a neighborhood meeting, in accordance with SMC 20.30.090, prior to application.

Council Amendment – SMC 20.30.090(B)(2)

- B. The neighborhood meeting shall meet the following requirements:
1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
 2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits, *and* special use permits for essential public facilities, *and development in the MUR-70' zone seeking additional height pursuant to SMC 20.30.297(C)*) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the Department.

Council Amendment – SMC 20.30.120(C)(1)

- C. The notice of complete application shall be made available to the public by the Department, through any or all of the following methods (as specified in Tables 20.30.050 and 20.30.060):

1. **Mail.** Mailing to owners of real property located within 500 feet of the subject property. Notice of application for SCTF, or essential public facilities special use permits, and master development plan permits, or development in the MUR-70' zone seeking additional height pursuant to SMC 20.30.297(C) shall be mailed to residents and property owners within 1,000 feet of the proposed site;

Council Amendment – SMC 20.30.297(C)(3)

3. Conducts a neighborhood meeting, in accordance with SMC 20.30.090, and the additional requirements below, prior to application.

i. Notice Signs for the neighborhood meeting shall be designed and purchased by the developer and, at a minimum, be four feet by four feet in dimension. The signs shall be posted on all sides of the parcel(s) that front on a street. The signs must be posted at a minimum 14 days prior to the neighborhood meeting and remain on site a minimum of 14 days following the neighborhood meeting. The signs must include the date, time and location of the in-person neighborhood meeting and a description of the project, zoning of the property, a basic site plan, and contact information for the developer for questions or more information.

ii. The developer shall host an online open house/website in addition to the in-person neighborhood meeting where people can read a description of the project, see plans and elevations of the project, and submit comments. The online open house/website must be viewable to the public a minimum 14 days prior to the in-person neighborhood meeting and 14 days after the in-person neighborhood meeting.

iii. The neighborhood meeting summary from the in-person neighborhood meeting and online open house/website shall be posted on the City's website.

Amendatory motion #1, as amended to include language to expand the notification radius, passed 7-0.

Council Amendment #2 – SMC 20.50.020(A)(11)(b)(2) & SMC 20.50.250(C)

Staff Recommendation – Approve

Status – Passed

Council considered this amendment on June 27, 2022. The Council amendment increased the requirement of ground floor commercial from 30 percent (Planning Commission recommendation) to 75 percent, as already required in parts of North City and Ridgecrest in SMC 20.50.250(C). The current version of the City's development regulations require applicants to choose two of several options when proposing to develop to the maximum 140' height. A set amount of commercial space (40,000 sq. ft) or neighborhood amenity space (30% of ground floor) were two of those options that could be selected by an applicant. Based on the amendment adopted by the City

Council on June 27, 2022, and assuming passage of Ordinance No. 968, it will now be a requirement that an applicant provide either commercial space (10,000 square feet) or commercial space on ground floors abutting the right-of-way.

Planning Commission Recommendation – SMC 20.50.020(A)(11)(b)

(11) Developments that exceed the base height and do not qualify for a height bonus within the Deep Green Incentive Program in SMC 20.50.630, or the significant tree retention bonus in footnotes 12 below, or the allowable exceptions to height in SMC 20.50.050, may develop to the maximum allowable height of 140 feet, subject Administrative Design Review approval and to the following: The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

a. The affordable housing requirements for MUR-70'+ in SMC 20.40.235 are satisfied;

b. One of the following are provided:

1. The development provides commercial space of at least 10,000 square feet; or

2. Thirty percent of the ground floor area within the development is devoted to neighborhood amenities that include areas open and accessible for the community, office space for nonprofit organizations, an eating or drinking establishment, or other space that may be used for community functions. The neighborhood amenity area should be at grade and adjacent to sidewalks or pedestrian paths.

Council Amendment – SMC 20.50.020(A)(11)(b)(2)

(11) Developments that exceed the base height and do not qualify for a height bonus within the Deep Green Incentive Program in SMC 20.50.630, or the significant tree retention bonus in footnote 12 below, or the allowable exceptions to height in SMC 20.50.050, may develop to the maximum allowable height of 140 feet, subject Administrative Design Review approval and to the following: The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

a. The affordable housing requirements for MUR-70'+ in SMC 20.40.235 are satisfied;

b. One of the following are provided:

1. The development provides commercial space of at least 10,000 square feet; or

2. Commercial space is constructed on the portion of the building's ground floor abutting a public right-of-way. Commercial space may be used for any allowed use in the MUR-70' zone in Table 20.40.160 – Station Area Uses, except the following general retail/trade/services: check-cashing services and payday lending. Residential dwellings are not allowed in commercial spaces. Ground floor commercial is subject to the standards in SMC 20.50.250(C).

Council Amendment – SMC 20.50.250(C)

C. Ground Floor Commercial.

1. New buildings subject to SMC 20.40.465 and 20.50.020(A)(11)(b)(2) shall comply with these provisions.
2. These requirements apply to the portion of the building's ground floor abutting a public right-of-way (ROW).
3. A minimum of 75 percent of the lineal frontage shall consist of commercial space. Up to 25 percent of the lineal frontage may consist of facilities associated with the multifamily use, such as lobbies, leasing offices, fitness centers and community rooms. Amenities, such as fitness centers that offer memberships to the general public, shall not be included in the maximum 25 percent lineal frontage limitation.
4. All ground floor commercial spaces abutting a ROW shall be constructed at a minimum average depth of 30 feet, with no depth less than 20 feet, measured from the wall abutting the ROW frontage to the rear wall of the commercial space.
5. All ground floor commercial spaces shall be constructed with a minimum floor-to-ceiling height of 18 feet, and a minimum clear height of 15 feet.

Amendatory motion #2 passed by motion 7-0 during the June 27th meeting.

Council Amendment #3 – SMC 20.50.020(A)(11)(c)

Staff Recommendation – Approve

Status – Passed

Council considered this amendment on June 27, 2022. This amendment requires that the development to have at least 20% of the public spaces and multifamily open space, required in SMC 20.50.240 subsections (F) and (G), to be open and accessible to the public. The current version of the City's development regulations require applicants to provide for park space dedication. Based on the amendment adopted by the City Council on June 27, 2022, and assuming passage of Ordinance No. 968, it will now be a requirement that an applicant provide public access to a portion of the public/open space.

Planning Commission Recommendation – SMC 20.50.020(A)(11)(c)

c. The development shall provide park, recreation, open space, or plaza area open and accessible to the public. The area shall be in addition to the requirements for Public Places and Multifamily Open Space in SMC 20.50.240 subsection (F) and (G);

Council Amendment – SMC 20.50.020(A)(11)(c)

c. At least 20 percent of the Public Places and Multifamily Open Space required in SMC 20.50.240 subsections (F) and (G) shall be open and accessible to the public. This requirement does not include any area required for a public access easement as described in SMC 20.70.340(E).

Amendment #3 passed by motion 7-0 during the June 27th meeting.

Council Amendments #4a & #4b – SMC 20.50.020(A)(11)(d)

Staff Recommendation – #4a - Not Approve; #4b – Approve

Status – #4a Passed; #4b Did not pass

Council considered these amendments on June 27, 2022.

Amendment #4a requires that an applicant pay two percent of building construction valuation to fund park, open space or other qualifying recreational opportunities. The current version of the City's development regulations require applicants to select two items from a list of options. Payment of 2% of building valuation towards parks, open space, art or recreation is one of the options. Based on the amendment adopted by the City Council on June 27, 2022, and assuming passage of Ordinance No. 968, it will now be a requirement that an applicant pay 2% of building valuation for parks, open space, art or other recreational opportunities.

A 12-story building with 460 dwelling units could be valued at \$75.6M (change in construction type is not accounted for). In this example, a 2% contribution for parks/art/placemaking would be \$1.51M. In addition, Park Impact Fees in the amount of \$1.42M would be required to be paid (460 units x \$3,077 per unit). Thus, for this hypothetical 460-unit residential building, based on the approved Council amendment, an applicant will be required to pay \$2.93M towards park/open space/recreation opportunities.

Planning Commission Recommendation – SMC 20.50.020(A)(11)(d)

d. The development shall provide one percent of the building construction valuation to be paid by the applicant for contribution toward art or placemaking amenities that are open and accessible to the public; and

Council Amendment #4a - SMC 20.50.020(A)(11)(d)

Following the Council discussion on June 6th, Councilmember Ramsdell requested that staff develop a proposed amendment to Section 20.50.020(A)(11)(d) that would keep the requirement that two (2) percent of the building valuation shall be paid by the

property owner/developer to the City to fund parks, open space, art, or other recreational opportunities that are open and accessible to the public:

d. The development shall provide two percent of the building construction valuation to be paid by the applicant for contribution to fund public parks, open space, art, or other recreational opportunities open and accessible to the public within the station subarea as defined in the City's Parks, Recreation, and Open Space Plan. The applicant's contribution shall be paid to the City; and

Proposed Council Amendment #4b - SMC 20.50.020(A)(11)(d)

Additionally, Councilmember Roberts requested a proposed amendment to Section 20.50.020(A)(11)(d) that left in place the one percent contribution, but added more clarity to this section:

d. The development shall provide one percent of the building construction valuation to be paid by the applicant for contribution toward art or placemaking amenities that are open and accessible to the public. The contribution shall take the form of either on-site installation of exterior artwork or placemaking amenities, reviewed by the City, or an equivalent cash donation to the City's one percent for Arts program. All on-site works must include a plan for future maintenance and cleaning schedule where appropriate; and

Amendatory motion #4a passed 4-3 at the June 27th meeting. Amendment #4b did not pass.

Council Amendment #5a & #5b – SMC 20.50.020(A)(11)(e)

Staff Recommendation – #5a – Not approve; #5b - Approve.

Status – Pending

Amendment #5a clarifies the value of subarea improvements that would be required (0.25% of the building construction value or 1% if off-street parking is eliminated), as the Planning Commission recommendation did not quantify the value. The amendment also takes into consideration a high contribution in an instance where all off-street parking is eliminated.

Alternatively, Council amendment #5b would delete this subsection in its entirety. Both amendments were submitted by Councilmember Roberts. Submission of Amendment #5b was made in response to the Council's action on previous amendments that added to the list of required actions that an applicant must do to build to the maximum height of 140 feet.

Planning Commission Recommendation – SMC 20.50.020(A)(11)(e)

e. The development shall provide subarea improvements such as utility infrastructure system improvements, off-site frontage improvements (consistent with the Engineering Development Manual), or installation of amenities such as transit stop shelters, lighting, or wayfinding signage.

Proposed Council Amendment #5a – SMC 20.50.020(A)(11)(e)

e. The development shall provide 0.25 percent of the building construction valuation to be paid by the applicant for subarea improvements such as off-site frontage improvements (consistent with the Engineering Development Manual), bicycle, pedestrian, or transit projects identified in the Transportation Master Plan, or installation of amenities such as transit stop shelters, lighting, or wayfinding signage. If the required off street parking is eliminated in accordance with SMC 20.50.400(C), the development contribution shall be 1 percent of the building construction valuation.

Proposed Council Amendment #5b – SMC 20.50.020(A)(11)(e)

e. The development shall provide subarea improvements such as utility infrastructure system improvements, off-site frontage improvements (consistent with the Engineering Development Manual), or installation of amenities such as transit stop shelters, lighting, or wayfinding signage.

Discussion

Proposed Council Amendment #5a provides more certainty with regard to the extent, or value, of which an improvement would need to be. The amendment also takes into consideration a high contribution in an instance where all off-street parking is eliminated whereby some of the value for elimination of the parking is reinvested for subarea improvements. Table 2 below provides a cost comparison using building valuations for recent developments of similar scale that could be developed in the MUR-70' zone. It is important to note, the valuations do not take into account a change in the construction type as would be the case for buildings 8+ stories in height.

Table 2 – Subarea Improvements, 0.25-1% Comparison

Project	Geo	Geo 2	Canopy 1	Canopy 2	The Line	Burl	Ion
Constr. Value	\$27,546,658	\$32,045,983	\$48,509,040	\$27,179,366	\$38,449,285	\$30,416,668	\$44,342,863
0.25%	\$68,867	\$80,115	\$121,273	\$67,948	\$96,123	\$76,042	\$110,857
1%	\$275,467	\$320,460	\$485,090	\$271,794	\$384,493	\$304,167	\$443,429

Using the construction values above, a hypothetical building could be valued at \$6.3M per floor. A 12-story building could be valued at \$75.6M (change in construction type is not accounted for). In this example, a 0.25% contribution would be \$189,000, while a 1% contribution would be \$756,000.

Proposed Council Amendment #5b was introduced at the June 27th meeting and proposes to remove entirely the requirement for additional subarea improvements. If this requirement is removed, a development would still be subject to typical improvements along the development's frontage (e.g. sidewalks, lighting, landscaping).

Staff recommends that Council not adopt #5a. Staff further recommends that Council adopt Amendment #5b. This position has changed since the June 27th meeting when staff was supportive of Amendment #5a. The sum of all the requirements placed on developments seeking the maximum building height should be balanced so as to not unintentionally become overly burdensome to the point that these developments are discouraged. If Amendment #5a is approved, staff recommends the reference to

elimination of parking be removed. Staff does not recommend off street parking requirements be removed (see amendment #9b below).

If a Councilmember is interested in making proposed Amendment #5a, Council should use the following amendatory language:

Amendatory Motion #5a -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.020(A)(11)(e) by deleting it in its entirety and replacing it with a new SMC 20.50.020(A)(11)(e) as shown on Page 12 of tonight’s Staff Report.”

If a Councilmember is interested in making proposed Amendment #5b, Council should use the following amendatory language:

Amendatory Motion #5b -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.020(A)(11)(e) by deleting it in its entirety.”

Council Amendment #6 – SMC 20.50.020(A)(11)(f)

Staff Recommendation – Approve

Status – Pending

This proposed Council amendment would require buildings above the base allowable height in the MUR-70’ zone to achieve green certification, matching Tier 3 of the City’s Deep Green Incentive Program (DGIP).

PLEASE NOTE that if proposed Council amendment #5 is not adopted, then this amendment would need to be modified to ensure correct number sequencing.

Planning Commission Recommendation:

The requirement that the entire development be built to LEED Gold standards set forth in SMC 20.30.355(D)(2) is proposed to be removed. This standard is duplicative because development in the MUR-70’ zone must meet the Built Green 4-Star certification, which is a roughly equivalent (if not slightly higher) green certification (SMC 20.40.046.D).

Proposed Council Amendment – SMC 20.50.020(A)(11)(f)

f. The development shall meet the requirements to achieve certification under one of the following sustainable development programs:

- 1. LEED Platinum; or**
- 2. 5-Star Built Green; or**
- 3. Passive House Institute US (PHIUS)+ combined with Salmon Safe; or**
- 4. Zero Energy combined with Salmon Safe**

Since certification under one of the above programs is required in order to build over the base height of 70’ in the MUR zone, the Deep Green Incentive Program incentives listed in SMC 20.50.630 (D)(1) and (4) do not apply.

Discussion

This proposed Council amendment would require buildings above the base allowable height in the MUR-70' zone to achieve green certification, matching Tier 3 of the City's Deep Green Incentive Program (DGIP). Of the MUR-70' development applications which have filed application, many are opting to build to LEED Platinum and are eligible for the DGIP incentives. The proposed amendments would not allow waivers of City application fees or expedited permit review. The requirement for green building certification would also add to the development costs for the applicant.

Staff recommends approval of proposed Council amendment #6. This proposed amendment supports citywide climate and sustainability goals by mandating new buildings seeking added height in the MUR-70' zone meet Tier 3 of the DGIP.

If a Councilmember is interested in making proposed Amendment #6, Council should use the following amendatory language:

Amendatory Motion #6 -

"I move to modify the Planning Commission's recommendation for SMC 20.50.020(A)(11) by adding a new subsection, subsection (f), related to the City's Deep Green Incentive Program as set forth on Page 13 of tonight's Staff Report."

Council Amendment #7 – SMC 20.50.020(A)(11)(g)

Staff Recommendation – Not Approve

Status – Pending

This proposed Council amendment would retain the existing requirement to purchase transfer of development rights (TDR) credits as a condition of obtaining maximum height.

PLEASE NOTE that if proposed Council amendments #5 or #6 are not adopted, then this amendment would need to be modified to ensure correct number sequencing.

Planning Commission Recommendation – SMC 20.30.355(D)(4)

~~4.—An agreement to purchase transfer of development rights (TDR) credits at a rate of \$5,000 per unit up to a maximum of 50 TDRs per development agreement as authorized by the City Council and not to exceed Shoreline's allocation of TDR credits.~~

Proposed Council Amendment – SMC 20.50.020(A)(11)(g)

g. The development shall agree to purchase Transfer of Development Rights (TDR) credits as outlined in the City's TDR program.

Discussion

The Planning Commission recommendation is to remove the requirement to purchase Transfer of Development Rights (TDR) credits. Future proposed amendments will

consider a TDR program with incentives and at that time it is possible TDR requirements could be included once again as a requirement.

The Planning Commission recommendation would remove the requirement that a development purchase TDR credits as a condition of achieving the maximum height. Staff is currently finalizing a consultant contract and work plan to prepare amendments that would establish a TDR program as part of the Development Code. The contract will also establish an interlocal agreement with King County to manage TDR transactions within the City. Draft amendments are anticipated to go to the Planning Commission for review in late 2022 and will extend into 2023.

The Council proposed amendment has been revised to generally refer to the City's TDR program to reflect anticipated amendments for consideration later this year.

Staff recommends against potential Council Amendment #7. As noted above, future Development Code amendments will incorporate a program for TDR. Currently, the City is not positioned to manage a TDR transaction.

If a Councilmember is interested in making proposed Amendment #7, Council should use the following amendatory language:

Amendatory Motion #7 -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.020(A)(11) by adding a new subsection, subsection (g), requiring the purchase of Transfer of Development Rights as a condition of achieving maximum height as set forth on Page 14 of tonight’s Staff Report.”

Council Amendment #8 – SMC 20.50.020(A)(11) and (12); 20.50.310; 20.50.350; 20.50.360

Staff Recommendation – Not Approve

Status – Pending

This amendment is new since the June 27th meeting and would require that all development in the MUR-70' zone to retain at least 10 percent of significant trees on site. Significant trees are generally defined as any healthy tree six inches or greater in diameter at breast height (dbh). Development in the MUR-70' zone is not currently subject to any tree retention requirements.

The Planning Commission does not recommend any changes to the existing height bonuses for retaining significant trees, nor do they recommend amendments that would require retention of significant trees on any development in the MUR-70' zone.

Staff has included additions to the Council proposed amendment that would create some flexibility in administering the provision, should Council choose to include it. The staff suggested additions are shown in italics and highlighted in blue.

PLEASE NOTE that if proposed Council amendments #5, #6, or #7 are not adopted, then this amendment would need to be modified to ensure correct number sequencing.

Existing Code Language (no proposed changes by Planning Commission) – SMC 20.50.020(A)(12)

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

Proposed Council Amendment #8 – SMC 20.50.020(A)(11) and (12)

h. The development shall retain at least 10 percent of the significant trees on site.

(12) *Development in the MUR-70' zone shall retain at least 10 percent of significant trees on site, unless exception SMC 20.50.350(B)(6) is granted. The Bbase height in the MUR-70' zone* may be increased up to 80 feet when at least ~~10~~¹⁵ percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

Proposed Council Amendment #8 – SMC 20.50.310(A)(5)

A. **Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department and their designee.

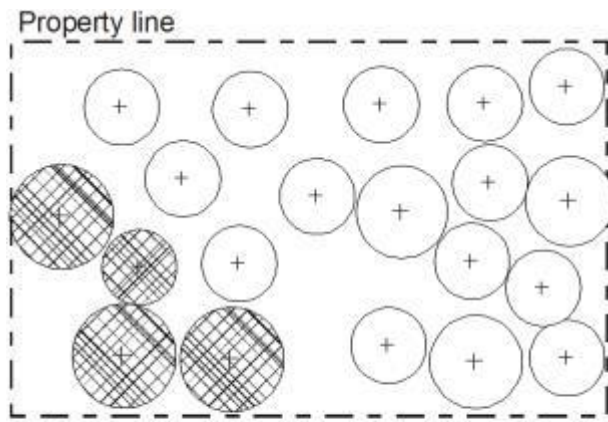
c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally critical areas.
4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, ~~and MUR-70~~ unless within a critical area or critical area buffer.

Proposed Council Amendment #8 – SMC 20.50.350(B)

B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:

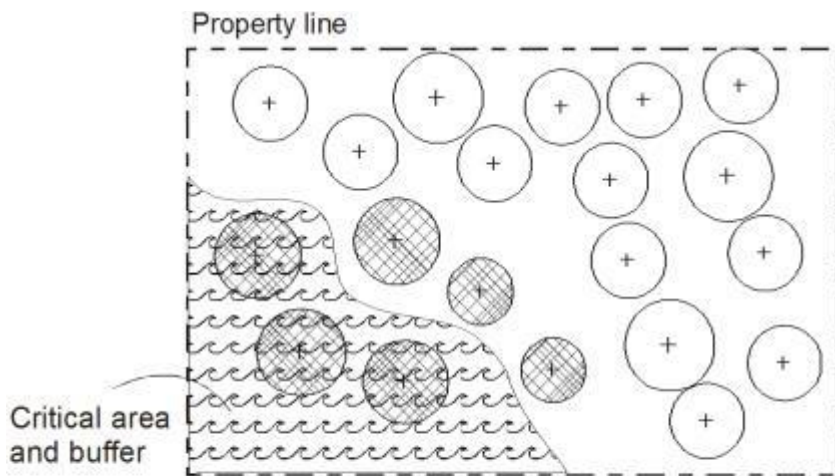
1. At least 10 percent of the significant trees shall be retained on sites zoned MUR-70 and at least 25 percent of the significant trees on all other given sites shall be retained, excluding critical areas, and critical area buffers; or
2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.
3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during development through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures.
4. The minimum amount of trees to be retained cannot be removed for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
5. The Director may require the retention of additional trees to meet the stated purpose and intent of this title, as required by the critical areas regulations, Chapter 20.80 SMC, or Shoreline Master Program, SMC Title 20, Division II, or as site-specific conditions demand using SEPA substantive authority.



LEGEND

⊗ Indicates trees to be retained

Figure 20.50.350(B)(1): Demonstration of the retention of 20 percent of the significant trees on a site containing no critical areas.



LEGEND

⊗ Indicates significant trees to be retained

Figure 20.50.350(B)(2): Demonstration of the retention of 30 percent of the significant trees on a site containing a critical area.

Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on

the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist that retention of the minimum percentage of trees is not advisable on an individual site; or

2. In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC 20.50.360 for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC 20.50.350(B).

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

5. The Director may not require the retention of a significant tree that must be removed to accommodate the installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320 when the applicant and the City demonstrate that a reasonable effort has been made to retain the significant tree. If approved for removal, this tree shall not be included in calculation of the minimum retention percentage for the site.

6. The Director may allow a reduction, or waiver, of the minimum significant tree percentage in the MUR-70' zone provided the development shall agree to purchase Transfer of Development Rights (TDR) credits as outlined in the City's TDR program. A minimum of one TDR credit shall be purchased for each significant tree removed that would have otherwise been required to be retained.

Proposed Council Amendment #8 – SMC 20.50.360(C)

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1), *and trees removed in the MUR-70' zone,* may be removed *per parcel* with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of *eight-six* inches in diameter at breast height *for conifers or 12 inches in diameter at breast height for all others* equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Discussion

Staff does not support proposed Council Amendment #8. The requirement to retain 10 percent of significant trees on all development in the MUR-70' zone is incompatible with the scale and intensity of development allowed in the zone. Furthermore, it competes against other City goals and policies which speak to focusing compact development such as housing affordable to a range of income levels near the light rail stations where there can be less reliance on personal vehicles.

One size fits all regulations with little to no flexibility can be difficult to administer and could significantly impact the ability to allow the type of development envisioned in the light rail station subarea plans. Although staff does not support this amendment, staff is proposing additional language to offer more flexibility in instances where tree retention is not an option. Instead, a development would be required to purchase TDR credits at a rate of one credit for each significant tree that would have been required to be retained. For example, if five trees would have been required to be retained and a development can only feasibly retain two trees, then three TDR credits would be required to be purchased for the trees to be removed (see Table 3 below).

Even with the staff proposed amendments (shown in *blue* above), there would be added process and cost on development and potentially reduced development potential on some sites.

Background of Tree Retention in MUR-70' Zone

The light rail station subarea plans and MUR Development Code regulations were adopted in 2015 and 2016. The MUR-70' zone was exempt from tree retention and replacement requirements at that time.

On February 26, 2018, the Council adopted [Ordinance No. 789](#) which included a privately-initiated Development Code amendment that sought to delete the MUR-70' zoning tree retention and replacement exemptions found in SMC 20.50.310.A.5. The amendment passed and the MUR-70' zone was no longer completely exempt from SMC Subchapter 5, Tree Conservation, Land Clearing and Site Grading Standards. The

same standards for tree replacement in low density residential zones applied in the MUR-70' zone. Therefore, in the MUR-70' zone 20 percent of the significant trees on site or 30 percent of significant trees if critical areas or their buffers are present were to be retained and any significant trees removed over the allowed partial exemption were to be replaced. The Council also requested that staff investigate ways to encourage tree retention in the MUR-70' zoning district.

As requested by Council, staff worked with the Planning Commission on incentives to retain trees in the MUR-70' zone and returned to Council on July 30, 2018, with the Planning Commission's recommended Development Code amendments. On August 13, 2018, Council adopted [Ordinance No. 833](#). This ordinance reinstated SMC 20.50.010.A.5 which again exempted the removal of trees in MUR-70' from SMC Subchapter 5 and added incentives to encourage tree retention including increases in height when retaining 10 percent and 20 percent of the trees on site, reduced setbacks for significant tree retention, and reduced parking for tree retention or tree replacement.

To date, no developments have utilized the significant tree incentives adopted with Ordinance No. 833.

To get the complete rationale for Council's adoption of Ordinance 789 and 833, the Council meetings associated with the study and adoption of these Ordinances should be consulted. Generally speaking, the Council discussions at that time highlighted that tree retention and replacement is important *and* development in MUR-70' is important. The MUR-70' zone has been created with a plan for transit-oriented development to allow for more people to live near transit in a variety of housing options that are required to be built green with affordability requirements as well.

By eliminating the complete exemption for tree removal and replacement in the MUR-70' with the adoption of Ordinance No. 789, development in the MUR-70' was made more difficult. Council also acknowledged that retaining trees and protecting trees during construction on development sites in the MUR-70' zone would be very difficult as construction on these sites often involves excavation to the property line for underground parking and stormwater vaults. Council also articulated the environmental benefits, including benefits for trees, by encouraging development from a single-family land use pattern to transit oriented development adjacent to light rail stations. Benefits cited during Council discussion included reducing transportation related emissions, reducing urban sprawl and alleviating pressure to develop housing on large undeveloped natural areas in other parts of the region.

Analysis of Council Proposed Amendment

Amendments which have a significant impact on development could impact assumptions on future growth and development activity. These assumptions are also used for purposes of informing the City's budget as it relates to projections for permit and development related revenue.

Staff assessed three recently permitted developments in the MUR-70' zone and the number of trees on site. None of the developments retained any significant trees. Each development had a small number of trees that were outside of the area for required frontage improvements and near the perimeter of the site and could have been

assessed more thoroughly as candidates for retention. However, the health and viability of these trees were not assessed as it is not a requirement. Regardless, retaining, protecting, and ensuring the survival of trees throughout a development on the size and scale as what is allowed in the MUR-70' zone is difficult due to the significant amount of excavation, grading, and construction activities that are likely to impact the trees.

Table 3 below illustrates the tree removal of recent developments, how many trees would equate to 10 percent, and an approximate value of TDR credits should they be required to be purchased in lieu of retaining the trees (as included in the staff suggested addition to the Council proposed amendment).

Table 3 – Tree retention

Development Name	Significant Trees	Trees Retained	Trees Outside of Frontage and Near Perimeter*	10% of Significant Trees	TDR Credits (Approx. \$22,000 ea)
Ion	31	0	4	3	3 credits = \$66,000
The Line	22	0	2	2	2 credits = \$44,000
Burl	19	0	1	2	2 credits = \$44,000

**The health and viability of retaining these trees was not assessed*

Staff recommends Council-proposed amendment #8 not be approved. This amendment would significantly impact the ability for MUR-70' zoned properties to be developed at the scale and intensity as intended in the light rail station subarea plans and would hamper the advancement of other competing goals related to housing and transportation.

Should Council-proposed amendment #8 be approved, staff recommends it become effective no earlier than January 1, 2023, to acknowledge the significant time and investment being made by some developments already under design and working in good faith toward filing a development application that is consistent with the tree regulations which have been in effect.

If a Councilmember is interested in making proposed Amendment #8, Council should use the following amendatory language (optional language for delayed implementation highlighted in blue):

Amendatory Motion #8 -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.020(A)(11) by adding a new subsection, subsection (h), and by amending SMC 20.50.020(A)(12), 20.50.310, 20.50.350, and 20.50.360, requiring on MUR-70’ zoned properties the retention of 10 percent of significant trees or purchase of Transfer of Development Rights in lieu of retaining significant trees that otherwise would have been required to be retained as set forth on Pages 16 through 20 of tonight’s Staff Report and that these amendments become effective on January 1, 2023 [optional language for delayed implementation].”

Council Amendments #9a & #9b - SMC 20.50.400.C

Staff Recommendation – #9a – Neutral; #9b – Not Approve
Status – Pending

These proposed Council amendments would change incentives for reductions in parking.

PLEASE NOTE that if proposed Council amendment #9a is adopted, then proposed amendment #9b would be impacted as #9b does not seek to delete the language #9a does seek to delete.

Planning Commission Recommendation – SMC 20.50.400.C

C. Parking reductions of up to 50 percent may be approved for new residential, mixed-use, and commercial development in the MUR-70' zone containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more, provided the following criteria are satisfied:

1. A Transportation Demand Management Plan is prepared by a qualified professional and shall:
 - a. Assess actual parking demand based on proposed land uses and the existing and future neighborhood land use context;
 - b. Identify project-specific strategies, which may include strategies on a list established and maintained by the Director, that will be implemented to reduce the development's parking demand; and
 - c. Establish clear performance objectives and a mechanism for ongoing monitoring and adjustment of the TDM strategies to adapt to changing conditions throughout the life of the development.

2. Upon request by the City, the owner shall provide parking utilization data for the development and an assessment of the TDM Plan's performance and whether it is meeting objectives. If deficiencies in meeting objectives are found, the owner shall revise the plan and it shall be reviewed pursuant to subsection (C) of this section.

Proposed Council Amendment #9a – SMC 20.50.400.C

C. Parking reductions of up to 50 percent may be approved for new residential, mixed-use, and commercial development in the MUR-70' zone ~~containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more,~~ provided the following criteria are satisfied:

1. A Transportation Demand Management Plan is prepared by a qualified professional and shall:
 - a. Assess actual parking demand based on proposed land uses and the existing and future neighborhood land use context;
 - b. Identify project-specific strategies, which may include strategies on a list established and maintained by the Director, that will be implemented to reduce the development's parking demand; and

- c. Establish clear performance objectives and a mechanism for ongoing monitoring and adjustment of the TDM strategies to adapt to changing conditions throughout the life of the development.
2. Upon request by the City, the owner shall provide parking utilization data for the development and an assessment of the TDM Plan's performance and whether it is meeting objectives. If deficiencies in meeting objectives are found, the owner shall revise the plan and it shall be reviewed pursuant to subsection (C) of this section.

Proposed Council Amendment #9b – SMC 20.50.400.C

C. Parking reductions of up to **50/100** percent may be approved for new residential, mixed-use, and commercial development in the MUR-70' zone containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more, provided the following criteria are satisfied:

1. A Transportation Demand Management Plan is prepared by a qualified professional and shall:
 - a. Assess actual parking demand based on proposed land uses and the existing and future neighborhood land use context;
 - b. Identify project-specific strategies, which may include strategies on a list established and maintained by the Director, that will be implemented to reduce the development's parking demand; and
 - c. Establish clear performance objectives and a mechanism for ongoing monitoring and adjustment of the TDM strategies to adapt to changing conditions throughout the life of the development.
2. Upon request by the City, the owner shall provide parking utilization data for the development and an assessment of the TDM Plan's performance and whether it is meeting objectives. If deficiencies in meeting objectives are found, the owner shall revise the plan and it shall be reviewed pursuant to subsection (C) of this section.

Discussion

The Planning Commission recommended Development Code amendments for parking reductions would establish provisions to reduce off-street parking requirements up to 50%, with approval of a Transportation Demand Management (TDM) Plan.

Parking Reductions

The Planning Commission recommendation for parking reductions includes dwelling unit and square foot size threshold to encourage larger scale developments in the MUR-70' zone and to minimize potential parking impacts associated with smaller developments.

There are examples of cities which have lifted off street parking requirements entirely and allow the development to determine a suitable amount of parking (if any). The City of Seattle is one local example which does not require off street parking in some station

area overlays, such as Roosevelt and Northgate. Other nearby cities continue to allow a parking reduction.

The comparison in Table 4 below highlights the City’s parking requirements without a reduction, with the current maximum 25% reduction, and with the Planning Commission recommended 50% reduction. The comparison is based on a residential development scenario of 200 units.

Table 4 – Parking Comparison for 200 Residential Units

Unit Type	Units	Shoreline	Mountlake Terrace	Lynnwood	Bellevue (Spring District)	Seattle (Northgate & Roosevelt Station Overlays)
Studio	50	37.5	25	25	37.5	0
1 BR	100	75	75	50	75	0
2 BR	50	75	50	25	37.5	0
Total	200	188 w/o reduction 139 w/25% reduction* 94 w/50% reduction**	150	100	150	0
Ratio - Stalls per unit	--	1.06 w/o reduction 0.70 w/25% reduction* 0.47 w/50% reduction**	0.75	0.5	0.75	0 No minimum in overlay areas

**25% reduction applies to properties within ¼ mile of light rail station*

***up to 50% reduction with approved TDM*

Transportation Demand Management

TDM is a broad concept which has evolved over time. The US Department of Transportation notes that TDM is defined as a set of strategies aimed at maximizing travel choices. Traditionally, these strategies have been narrowly focused on commuter trips, but has evolved to encapsulate numerous strategies aimed to complement transportation infrastructure, including parking. TDM strategies have rapidly grown in recent years with the rise in new technologies. A list of example TDM strategies include:

- Bikeshare/carshare
- Free or reduced cost transit passes
- Enhanced bike facilities (e.g. storage, maintenance area, etc.)
- Wayfinding for non-vehicle trips

- Marketing and communications on alternative transportation options

TDM examples in the City include a recent multifamily development on Aurora which has committed to implementing bikeshare and is anticipating carshare options will be available to its residents in the future.

As noted above, the draft amendments would allow parking reductions up to 50%, provided the applicant prepares a TDM and it is approved by the City. In addition to project-specific strategies that could be included in a TDM, the amendments reference a list of strategies that will be maintained by the Director. Maintaining a list of TDM strategies as a companion to the Development Code (rather than adopted directly into the Code) allows for flexibility to respond to rapidly changing transportation technologies as well as a way to prioritize strategies that advance City goals. The proposed amendments also would require ongoing monitoring of the performance of the TDM strategies and allow for adjustments to be made throughout the life of the development.

At the request of the City, the owner would be required to provide parking utilization data and an assessment of the plan's performance. Changes would need to be made in instances where the plan is found to be underperforming. Understanding the off-street parking utilization trends and having a mechanism in place to adapt will be particularly important components of managing the overall parking system in the years to come as the light rail station subareas are built out and demands for parking evolve.

Generally speaking, the City should begin scoping and considering parking management strategies when a ¼ mile radius area reaches an average on street parking utilization of 60 percent or higher.

The funding allocation for parking utilization surveys ended in 2021 (some carryover from 2021 was used to conduct utilization surveys this year). Currently there is no resource to continue parking demand surveys that would track parking utilization. A supplemental budget request will be submitted for the 2023-24 biennium to continue the utilization surveys, which will help staff anticipate the need for parking management strategies.

Sound Transit is committed to studying parking around the light rail stations but this scope will likely cover a smaller geographic area that may not capture the full extent of redevelopment related parking demand increases as their focus will be specific to light rail station related parking mitigation. New staff allocated to Traffic Services in 2022 is anticipated to manage some initial elements of expanding parking demand management needs, and a 2024 budget request is planned for a dedicated parking enforcement resource.

By 2025, it is likely that additional Streets Maintenance staff and materials budget will be needed to keep pace with signage and markings associated with active parking demand management. It should be noted that tools to manage specifically residential parking demand are somewhat limited.

While staff is neutral on proposed Council Amendment #9a, staff recommends against proposed Council Amendment #9b, which could allow elimination of all required off-street parking. Eliminating all off-street parking has the highest likelihood of impacts onto local streets and increased demand on City resources to actively manage and enforce on street parking.

If a Councilmember is interested in making proposed Amendment #9a, Council should use the following amendatory language:

Amendatory Motion #9a -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.400(C) by deleting the following language: “containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more” as shown on Page 23 of tonight’s Staff Report.”

If a Councilmember is interested in making proposed Amendment #9b, Council should use the following amendatory language:

Amendatory Motion #9b -

“I move to modify the Planning Commission’s recommendation for SMC 20.50.400(C) by increasing the percentage of parking reduction from 50% to 100% as shown on Page 24 of tonight’s Staff Report.”

RESOURCE/FINANCIAL IMPACT

The proposed Development Code amendments in proposed Ordinance No. 968 will not have a direct immediate financial impact to the City. Additional staff resources would be needed to review traffic demand management (TDM) plans associated with new developments and periodically check-in on the performance in future years.

Depending on which Council-proposed amendments are approved and adopted into proposed Ordinance No. 968 there could be additional resource and/or financial impacts. Those impacts are summarized in the discussion section of the Council-proposed amendments.

RECOMMENDATION

The Planning Commission has recommended adoption of the proposed amendments in Attachment A, Exhibit A of proposed Ordinance No. 968. The City Council made amendments to the Planning Commission recommendation during the June 27, 2022, Council Meeting. Staff recommends adoption of Ordinance No. 968.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 968

Attachment A, Exhibit A – Planning Commission Recommended Draft Development Code Amendments to Chapters 20.30, 20.40, and 20.50 SMC

Attachment B – Summary of Council Proposed Amendments to Exhibit A of proposed Ordinance No. 968

Attachment C – Comparison of existing, recommended, and amendments to Exhibit A
of proposed Ordinance No. 968

ORDINANCE NO. 968

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CHAPTERS 20.30, 20.40, AND 20.50 OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO MODIFY REGULATIONS FOR DEVELOPMENT WITHIN THE MUR-70' ZONING DISTRICT AND INCLUDE A 20-YEAR MULTI-FAMILY TAX EXEMPTION PERIOD.

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 forth the City's Unified Development Code; and

WHEREAS, in 2014 and 2016, the City established the Mixed Use Residential (MUR)-70' zoning district within the 145th Street and 185th Street Station Subareas and adopted regulations specific to that zoning district; and

WHEREAS, an October 25, 2021, joint meeting of the City Council and the Shoreline Planning Commission was held to discuss better development outcomes in the MUR-70' zoning district as envisioned in the light rail station subarea plans; and

WHEREAS, in 2021, the City Council adopted Ordinance No. 944, amending Chapter 3.27 SMC, Property Tax Exemption, to reflect new state legislation expanding the multi-family tax exemption (MFTE) program to allow for a 20-year MFTE program that, in return for the tax exemption, would require units be affordable for 99 years; SMC 20.40.235 requires amendment to reflect this change and its use within the MUR-70' zoning district; and

WHEREAS, on December 2, 2021, January 20, 2022, and April 7, 2022, the Planning Commission discussed potential amendments related to parking reductions and repealing the requirement for a development agreement for achieving building heights over the base height of 70 feet; and on May 19, 2022, 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 Planning Commission voted that the proposed amendments as presented by staff be approved by the City Council; and

WHEREAS, on June 6, 2022 and June 27, 2022, the City Council held study sessions on the proposed amendments; and

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

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

WHEREAS, the environmental impacts of the amendments to the MUR-70 zoning district resulted in the issuance of an addendum to the 145th Street Station Planned Action Final Environmental Impact Statement and an addendum to the 185th Street Station Planned Action Final Environmental Impact Statement, both were issued on May 5, 2022; 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 considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation and 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;

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

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

Section 2. Transmittal of Amendments to 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 to the Washington State Department of Commerce within ten (10) calendar days of the date of passage of this Ordinance.

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 summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 12, 2022.

Keith Scully, Mayor

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: , 2022
Effective Date: , 2022

**Ordinance No. 968
Exhibit A**

SMC 20.30.297 Administrative Design Review (Type A).

A. Administrative design review approval of departures from the design standards in SMC 20.50.160 through 20.50.190, 20.50.220 through 20.50.250, 20.50.450 through 20.50.510 and SMC 20.50.530 through 20.50.620 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 subsections (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.

C. Developments in the MUR-70' zone exceeding the base height and which are not utilizing the significant tree retention height incentive in Table 20.50.020(2), footnote 12, or the height incentive within the Deep Green Incentive Program in SMC 20.50.630, shall be subject to Administrative Design Review approval. The Director shall grant approval of developments up to 140 feet in height upon their finding that the development:

1. Is consistent with the goals and policies of the Comprehensive Plan; and
2. Will be supported by adequate infrastructure, facilities, and public services to serve the development; and
3. Conducts a neighborhood meeting, in accordance with SMC 20.30.090, prior to application.

SMC 20.30.355 Development agreement (Type L).

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:

Ordinance No. 968
Exhibit A

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) that meet the City's adopted level of service standards (as confirmed by the performance of a transportation impact analysis) 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.

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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'.

6. The project is consistent with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II, and applicable permits/approvals are obtained.

~~D. **Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.** Each development agreement approved by the City Council for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:~~

~~1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing any fractional portion of mandatory units is based on the adopted fee schedule (Chapter 3.01 SMC). Full units are not eligible for the fee in lieu option and must be built on site. The fee will be specified in SMC Title 3.~~

~~2. Entire development is built to LEED Gold standards.~~

~~3. Structured parking for at least 90 percent of the required parking spaces for a development. Structured parking includes underground parking, under-building parking and aboveground parking garage. Unstructured parking shall be located interior to the site.~~

~~4. An agreement to purchase transfer of development rights (TDR) credits at a rate of \$5,000 per unit up to a maximum of 50 TDRs per development agreement as authorized by the City Council and not to exceed Shoreline's allocation of TDR credits.~~

~~5. Applicant shall dedicate park space sufficient to accommodate each projected resident of the development, to be determined by a formula to be established by rule in consultation with the Parks Board. Dedicated space must be open and accessible to the public from a public street.~~

~~6. Development agreements in MUR-70' shall include at least two of the following components and may not be combined:~~

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- ~~a. Entire site uses combined heat and power infrastructure or district energy.~~
- ~~b. Commercial space of at least 40,000 square feet.~~
- ~~c. Thirty percent of the ground floor area for neighborhood amenities that may include areas open and accessible for the community, office space for nonprofit organizations, an eating or drinking establishment, or other space that may be used for community functions.~~
- ~~d. Two percent of the building construction valuation shall be paid by the property owner/developer to the City to fund public parks, open space, art, or other recreational opportunities open and accessible to the public within the station subarea as defined in the City's Parks, Recreation, and Open Space Plan.~~
- ~~e. Provide additional off-site frontage improvements (as required by the Engineering Development Manual) that connect a proposed development to amenities near the subject project. Amenities may include transit stops, light rail station, commercial uses, etc.~~
- ~~f. Providing street-to-street dedicated public access. Examples include an alley, pedestrian/bicycle path, or other nonmotorized vehicle trail.~~

ED. Development Agreement Approval Procedures. The City Council may approve development agreements through the following procedure:

1. A development agreement application incorporating the elements stated in subsection B of this section may be submitted by a property owner with any additional related information as determined by the Director. After staff review and SEPA compliance, the Planning Commission shall conduct a public hearing on the application. The Planning Commission shall then make a recommendation to the City Council pursuant to the criteria set forth in subsection C of this section and the applicable goals and policies of the Comprehensive Plan. The City Council shall approve, approve with additional conditions, or deny the development agreement. The City Council shall approve the development agreement by ordinance or resolution;
2. **Recorded Development Agreement.** Upon City Council approval of a development agreement under the procedure set forth in this subsection E, the property owner shall execute and record the development agreement with the King County Recorder's Office to run with the land and bind and govern development of the property.

SMC 20.40.046 Mixed-use residential (MUR) zones.

- A. The purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45', and MUR-70') is to provide for a mix of predominantly multifamily development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary.
- B. Specific mixed-use residential zones have been established to provide for attached single-family residential, low-rise, mid-rise and high-rise multifamily residential. The mixed-use

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residential zones also provide for commercial uses, retail, and other compatible uses within the light rail station subareas.

C. Affordable housing is required in the MUR-45' and MUR-70' zone and voluntary in the MUR-35' Zone. Refer to SMC 20.40.235 for affordable housing light rail station subarea requirements.

D. Construction in MUR zones must achieve green building certification through one of the following protocols: Built Green 4-Star or PHIUS+. If an affordable housing or school project is required to certify through the Evergreen Sustainable Development Standard, this protocol shall fulfill the requirement. If a project utilizes a more stringent certification protocol through the Deep Green Incentive Program, this shall fulfill the requirement.

~~E. All development within the MUR-70' zone that seeks additional height and alternative development standards shall be governed by a development agreement as provided in SMC 20.30.355.~~

SMC 20.40.235 Affordable housing, light rail station subareas.

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

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

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

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

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3) (4)	Height may be increased above 70 ft.; no density limits; and may be eligible for 12-year, <u>or 20-year</u> property tax	Entitlement of 70 ft. height; no density limits; and may be eligible for 12-year, <u>or 20-year</u> property tax exemption	Entitlement of 45 ft. height; no density limits; and may be eligible for 12-year, <u>or 20-year</u> property tax exemption	No density limits; and may be eligible for 12-year, <u>or 20-year</u> property tax exemption (PTE) pursuant to

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	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
	exemption (PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.	(PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.	(PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.	Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.
Studio, 1 bedroom (3) (4)	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms (3) (4)	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

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

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

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60 percent or less of the King County area median income.

...

SMC 20.50.020 Dimensional requirements.

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) (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)

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Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
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%

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

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (40)
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 all other streets
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%

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.

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- (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 subsection (D)(2)(a) of this section for calculation of density when a single lot is divided by a zone boundary.
- (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 public and private K through 12 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. Repealed~~
- (11) Developments that exceed the base height and do not qualify for a height bonus within the Deep Green Incentive Program in SMC 20.50.630, or the significant tree retention bonus in footnotes 12 below, or the allowable exceptions to height in SMC 20.50.050, may develop to the maximum allowable height of 140 feet, subject Administrative Design Review approval and to the following:~~The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.~~
- a. The affordable housing requirements for MUR-70'+ in SMC 20.40.235 are satisfied;
 - b. One of the following are provided:
 1. The development provides commercial space of at least 10,000 square feet; or
 2. Thirty percent of the ground floor area within the development is devoted to neighborhood amenities that include areas open and accessible for the community, office space for nonprofit organizations, an eating or drinking establishment, or other space that may be used for community functions. The neighborhood amenity area should be at grade and adjacent to sidewalks or pedestrian paths.

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c. The development shall provide park, recreation, open space, or plaza area open and accessible to the public. The area shall be in addition to the requirements for Public Places and Multifamily Open Space in SMC 20.50.240 subsection (F) and (G):

d. The development shall provide one percent of the building construction valuation to be paid by the applicant for contribution toward art or placemaking amenities that are open and accessible to the public; and

e. The development shall provide subarea improvements such as utility infrastructure system improvements, off-site frontage improvements (consistent with the Engineering Development Manual), or installation of amenities such as transit stop shelters, lighting, or wayfinding signage.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) 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.

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

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

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

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

(18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

(19) The maximum hardscape for public and private kindergarten through grade 12 schools is 75 percent.

(20) Setback may be reduced to zero feet when a direct pedestrian connection is provided to adjacent light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.

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SMC 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 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. This provision applies to developments seeking reductions prior to and after commencement of revenue service at new stops.
 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. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.
 8. 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.

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- 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.
 - 9. 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. Reductions granted under the Deep Green Incentive Program shall not be combined with the parking reductions in subsections A and C of this section.
- C. Parking reductions of up to 50 percent may be approved for new residential, mixed-use, and commercial development in the MUR-70' zone containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more, provided the following criteria are satisfied:
 - 1. A Transportation Demand Management Plan is prepared by a qualified professional and shall:
 - a. Assess actual parking demand based on proposed land uses and the existing and future neighborhood land use context;
 - b. Identify project-specific strategies, which may include strategies on a list established and maintained by the Director, that will be implemented to reduce the development's parking demand; and
 - c. Establish clear performance objectives and a mechanism for ongoing monitoring and adjustment of the TDM strategies to adapt to changing conditions throughout the life of the development.
 - 2. Upon request by the City, the owner shall provide parking utilization data for the development and an assessment of the TDM Plan's performance and whether it is meeting objectives. If deficiencies in meeting objectives are found, the owner shall revise the plan and it shall be reviewed pursuant to subsection (C) of this section.
- ~~C~~D. A request for a parking reduction shall be processed as a Type A action, as set forth in SMC 20.30, Subchapter 2.
- ~~D~~E. When granting a parking reduction, the Director may impose performance standards and conditions of approval on a project, including a financial guarantee.
- ~~E~~F. 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.

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- F. ~~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.~~

Attachment B

Proposed Council Amendments to Exhibit A of Proposed Ordinance No. 968

Amendment No.	Proposing Councilmember	SMC Section	Topic	Staff Recommendation	Status
1	Mork/McConnell	20.30.297(C)(3)	Neighborhood meeting	Neutral	Passed
2	Roberts	20.50.020(A)(11)(b)	Ground floor commercial	Approve	Passed
3	Roberts	20.50.020(A)(11)(c)	20% of public places open and accessible	Approve	Passed
4a	Ramsdell	20.50.050(A)(11)(d)	2% toward parks, open space, art	Not Approve	Passed
4b	Roberts	20.50.020(A)(11)(d)	1% to art, include provision for maintenance of art	Approve	Did Not Pass
5a	Roberts	20.50.020(A)(11)(e)	0.25% off site improvements, 1% if required parking is eliminated	Not Approve	Pending
*5b	Roberts	20.50.020(A)(11)(e)	Remove requirement for off site improvements	Approve	Pending
6	Mork	20.50.020(A)(11)(f)	Green building requirement	Approve	Pending
7	Mork	20.50.020(A)(11)(g)	Transfer of Development Rights (TDR) requirement	Not Approve	Pending
*8	Pobee	20.50.020(A)(11) and (12)	Tree retention	Not Approve	Pending
9a	Roberts	20.50.400(C)	Remove development size threshold for parking reductions	Neutral	Pending
9b	Roberts	20.50.400(C)	Expand parking reductions up to 100%	Not Approve	Pending

*New amendments since June 27, 2022 report

ATTACHMENT C – COMPARISON OF EXISTING, RECOMMENDED, AND AMENDMENTS TO EXHIBIT A OF PROPOSED ORDINANCE NO. 968

Table A – Review Process for Maximum Height		
Current Regulation	Planning Commission Recommendation	Planning Commission Recommendation with Council Amendments
Development Agreement	Administrative Design Rev.	Administrative Design Rev.
Public hearing before Planning Commission	Neighborhood meeting <ul style="list-style-type: none"> ○ Notify property owners within 500 feet 	Neighborhood meeting (Amendment #1): <ul style="list-style-type: none"> ○ Notify property owners and residents within 1,000 feet ○ Post on site notice of the meeting ○ Host online open house
Council decision	Director's decision	Director's decision

**Amendments bolded and italicized were passed by Council June 27th*

ATTACHMENT C – COMPARISON OF EXISTING, RECOMMENDED, AND AMENDMENTS TO EXHIBIT A OF PROPOSED ORDINANCE NO. 968

Table B – Development Standards for Maximum Height		
Current Regulation	Planning Commission Recommendation	Planning Commission Recommendation with Council Amendments
20% units affordable at 60% AMI; <u>OR</u> 10% units affordable at 50% AMI	20% units affordable at 60% AMI; <u>OR</u> 10% units affordable at 50% AMI	20% units affordable at 60% AMI; <u>OR</u> 10% units affordable at 50% AMI
40,000 sq ft commercial	10,000 sq ft commercial	<i>10,000 sq ft commercial (Amendment #2)</i>
30% ground floor devoted to neighborhood amenities	30% ground floor devoted to neighborhood amenities	<i>75% of ground floors abutting right-of-way used for commercial space (Amendment #2)</i>
Park space dedication to accommodate residents in development and open and accessible to the public		<i>20% of Public Places and Multifamily Open Space open and accessible to the public (Amendment #3)</i>
2% building valuation contributed toward parks, open space, art, or recreation	1% of building valuation contributed toward art/placemaking open and accessible to the public	<i>2% building valuation contributed toward parks, open space, art, or recreation (Amendment #4a)</i>
Off site frontage improvements to connect nearby amenities	Off site infrastructure improvements or added amenities such as wayfinding, lighting, transit shelter	0.25% building valuation contributed toward subarea improvements, if parking eliminated the contribution to be 1% (Amendment #5a)
LEED Gold development		Not eligible for DGIP application fee waivers or expedited permit review. Must achieve one of the following green certifications: <ul style="list-style-type: none"> ○ LEED Platinum ○ 5-Star Built Green ○ PHIUS+ with Salmon Safe ○ Zero Energy with Salmon Safe (Amendment #6)
Agreement to purchase Transfer of Development Rights (TDR) credits		Agreement to purchase TDR credits (Amendment #7)

ATTACHMENT C – COMPARISON OF EXISTING, RECOMMENDED, AND AMENDMENTS TO EXHIBIT A OF PROPOSED ORDINANCE NO. 968

Table B – Development Standards for Maximum Height		
Current Regulation	Planning Commission Recommendation	Planning Commission Recommendation with Council Amendments
Site utilizes combined heat and power infrastructure or district energy		
Street-to-street public access such as alley or path		
90% of parking within structure		

Two items in RED required

One item in BLUE required

**Amendments bolded and italicized were passed by Council June 27th*

ATTACHMENT C – COMPARISON OF EXISTING, RECOMMENDED, AND AMENDMENTS TO EXHIBIT A OF PROPOSED ORDINANCE NO. 968

Table C – General Development Standards		
Current Regulation	Planning Commission Recommendation	Planning Commission Recommendation with Council Amendments
		All development shall retain 10% of significant trees OR purchase TDR credits for each significant tree removed that would have otherwise been retained (Amendment #8)
	Parking reduction up to 50% for developments 100+ units; <u>OR</u> 10,000+ sq ft of commercial floor area with approval of a TDMP	Parking reduction up to 50% with approval of a TDMP (Amendment #9a)
		Parking reduction of up to 100% with approval of a TDMP (Amendment #9b)

**Amendments bolded and italicized were passed by Council June 27th*