



AGENDA PLANNING COMMISSION VIRTUAL/ELECTRONIC PUBLIC HEARING

Thursday, October 1, 2020
7:00 p.m.

Held Remotely on Zoom

<https://zoom.us/j/96487234464?pwd=UWFrZVg1SzJ2b2JUek1Nb1RDRXJ6UT09>

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The Planning Commission is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting.

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Pre-registration is required by 6:30 p.m. the night of the meeting.



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Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:02
4. APPROVAL OF MINUTES FROM:	7:03
a. September 17, 2020 Draft Minutes	

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign-up by 6:30 p.m. the night of the meeting. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. In all cases, speakers are asked to state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak.

When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

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| 5. GENERAL PUBLIC COMMENT | 7:05 |
| 6. PUBLIC HEARING | 7:10 |
| a. <u>2020 Development Code Amendments</u> | |
| Public Testimony | |
| 7. UNFINISHED BUSINESS | 8:00 |
| 8. NEW BUSINESS | 8:01 |
| 9. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS | 8:02 |
| 10. AGENDA FOR Next meeting – October 15, 2020 | 8:03 |
| 11. ADJOURNMENT | 8:05 |

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457.

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING
(Via Zoom)

September 17, 2020
7:00 P.M.

Commissioners Present

Chair Mork
Vice Chair Malek
Commissioner Callahan
Commissioner Galuska
Commissioner Lin
Commissioner Rwamashongye
Commissioner Sager

Staff Present

Rachael Markle, Planning Director
Nora Gierloff, Planning Manager
Steve Szafran, Senior Planner
Andrew Bauer, Associate Planner
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

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

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Mork, Vice Chair Malek, and Commissioners Callahan, Galuska, Lin, Rwamashongye and Sager.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of August 20, 2020 and September 3, 2020 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 2020 COMPREHENSIVE PLAN AMENDMENT DISCUSSION

Mr. Szafran explained that the State Growth Management Act (GMA) limits review of proposed Comprehensive Plan amendments to once a year, with limited exceptions. To ensure the public can view the proposals in a citywide context, the GMA directs cities to create a docket or a list of the amendments to be considered for that year. Proposed amendments are collected throughout the previous year with a deadline of December 1st for public and staff submissions to be considered the following year. The docket establishes the amendments that will be reviewed and studied by the staff and Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan.

Mr. Szafran advised that the City Council set the Final 2020 Comprehensive Plan Amendment Docket on March 16th. He presented the amendments as follows:

- **Amendment 1** – Table 6.6 of the Parks, Recreation and Open Space (PROS) Plan is a list of general capital projects that are targeted for acquisition between 2024 and 2029. The amendment adds acquisition of park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets. This area is greater than the more constrained area in the original table, which was Aurora Avenue N to I-5 and 155th to 165th Streets. The amendment would provide additional opportunities to meet the level of service (LOS) targets for park space in the Westminster Triangle Neighborhood.
- **Amendment 2** – This amendment proposes to amend the Point Wells Subarea Plan and associated Comprehensive Plan Land Use Policy LU51 related to Point Wells to implement the Settlement and Interlocal Agreement (ILA) between the City of Shoreline and the Town of Woodway, which was approved by the City of Shoreline on October 7, 2019. The ILA pertains to Shoreline’s support for Woodway’s future annexation of Point Wells and coordination of land use planning and development regulations for the area by the Town of Woodway and the City of Shoreline.

The ILA addresses services, infrastructure, mitigation impacts and other issues related to the future development of the Point Wells site. As part of the ILA, a joint planning working group comprised of staff from the Town of Woodway and the City of Shoreline was formed to develop and recommend mutually-agreeable Comprehensive Plan policies, development regulations and design standards. The recommended goals, policies and development regulations will be adopted by both the Town of Woodway and the City of Shoreline in order to have consistent development regulations under either of the jurisdictions.

The Point Wells Subarea Plan is required to meet the goals and policies of the State’s GMA, Puget Sound Regional Council’s Vision 2050, King County Countywide Planning Policies, and Snohomish County Countywide Planning Policies. The plan considers these goals and policies, as well as the adopted visions of the Town of Woodway and the City of Shoreline. The site has been considered since at least 1995 with policies that speak to annexation of the site, and the Woodway Planning Commission prepared a new plan for Point Wells in April 2013. That plan designates and zones the entire 67 acres of Point Wells as Urban Village. The City of Shoreline also prepared a subarea plan for Point Wells in 2011, given that the primary access to the site is

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via Richmond Beach Drive and the majority of future transportation trips to and from the site will impact Shoreline.

The Comprehensive Plan lists goals and policies for land use, capital facilities, utilities, transportation, environmental preservation and protection, and governance. It is important to emphasize that the updated subarea plan would not lose any of the hard-fought battles, analysis and public input. All of the goals and policies are protected in the new plan. Transportation trip counts are addressed, as well as secondary access and environmental preservation goals and policies. A new section (Governance Goal 5) states that if Point Wells is annexed into the Town of Woodway, any development activity on the site will be coordinated with Shoreline to ensure all impacts and mitigations are addressed. Also, if Woodway chooses not to annex Point Wells, it will notify the City of the decision and then Shoreline may seek annexation.

Land Use Policy LU51 would be updated to acknowledge the ILA between the two jurisdictions. Language was also added that, if annexed into the City of Shoreline, the City would add a new Planned Area 4 Land Use Designation. Point Wells is currently designated Mixed-Use 1 in the Comprehensive Plan Land Use Map. In order to have a consistent Subarea Plan and implementing Development Code regulations, staff is proposing to change the designation to Planned Area 4 which will match the proposed pre-annexation zoning regulations for the site.

Vice Chair Malek commented that, although the ILA includes a secondary ingress/egress to the area, the concern expressed in a written comment regarding cut-through traffic is still legitimate. Where 116th Street in Woodway turns sharp into 205th Street in Shoreline, people cut through to go to the beach or to 185th Street. He asked if there is a plan in place to address that concern. Mr. Szafran said Transportation Policy TC2 requires that any development on the site would have to prepare a transportation corridor study and mitigation plan, and any issues would be addressed through that plan. In addition, Policy TC3 states that development at Point Wells shall not generate more than 4,000 average daily trips (ADT) onto Richmond Beach Drive and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D. This policy is intended to ensure that the traffic generated by the site does not cause local streets to fail. Vice Chair Malek noted that the ADT limitation would pertain to both ingress and egress. Mr. Szafran pointed out that Policy TC3 is a carry-over policy from the previous subarea plan.

Vice Chair Malek asked about the City's thresholds related to transportation. It is important to give the community an idea of what is currently considered acceptable as far as cut-through traffic that might overwhelm and transform several neighborhoods. He noted that Richmond Beach Road is already a very busy and fast-moving street, and traffic on that street, as well as other streets would increase significantly if the Point Wells site is developed. Mr. Szafran said that, as per Policy TC2, any development on Point Wells, regardless of size, would have to prepare a transportation corridor study and provide mitigation. Vice Chair Malek summarized that, while traffic might not determine the density of development on the site, it will determine how the density is handled. If the proposed density doesn't fit with the requirements, the project will need to be scaled back.

Chair Mork observed that Policy TC3 is quite specific to the Richmond Beach Road Corridor. She asked if the other secondary routes referenced by Vice Chair Malek would be part of a required corridor study.

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Mr. Szafran said it would fall on the City's Traffic Engineer to identify the streets that need to be studied, but he can't answer how the methodology for a transportation study works.

Commissioner Rwamashongye explained that, generally speaking, a developer would address all of the potential impacts to surrounding neighborhoods as part of the Environmental Impact Statement (EIS). He felt that Policy TC1, which requires a transportation corridor study and mitigation plan, is adequate. However, should the City of Shoreline annex the Point Wells property at some point in the future, the dynamics of the situation would change and the City would have to negotiate a new ILA with the Town of Woodway regarding where the secondary road would be located. Mr. Szafran said an overarching point of the new subarea plan is both the Town of Woodway and the City of Shoreline are creating the goals and policies in concert. No matter what jurisdiction Point Wells falls under it is expected that the policies and development regulations will be the same.

Commissioner Rwamashongye commented that doing a traffic analysis on cut-through traffic that predicts volumes and at what time of the day can be very difficult since it is highly dependent on the people who live in the neighborhood. However, he concurred that cut-through traffic is a real concern.

Vice Chair Malek pointed out that Woodway has three years to annex Point Wells. If they choose not to do so, the City of Shoreline can advance its bid to annex the property. If that were the case, the policies in the ILA would stay the same. He commented that development of Point Wells could reshape several neighborhoods. While he understands that there is always pain with growth, it doesn't have to be debilitating and at the expense of one neighborhood. Mitigation and analysis are necessary, and the proposed policies will ensure it happens. He commented that the concerns raised by Mr. Amundson and Mr. McCormick are valid.

Chair Mork summarized that there is clearly concern about potential traffic impacts, and it would be helpful for staff to develop a more detailed response to address the concerns that have been raised for the public hearing. Her interpretation of the proposed policy is that a corridor study would only be required for Richmond Beach Road. Mr. Szafran agreed to discuss the concern with the Traffic Engineer and prepare a more detailed answer about the methodology for transportation corridor studies.

Chair Mork noted that King County is not specifically mentioned in the geographic context, county and regional context, planning background, transportation circulation goal, environmental protection goal, and governance goal. It is important to be certain that King County knows what is being proposed by the two cities. She suggested that, where Snohomish County is mentioned, it would be appropriate to talk about King County. Mr. Szafran said that, even if the City were to annex Point Wells, it would still be located in Snohomish County. He doesn't foresee that the county boundaries would change. Staff did review to make sure the City's Comprehensive Plan amendments were consistent with the King County's Countywide Planning Policies.

Chair Mork said it isn't clear to her that King County understands what is being proposed, and she is concerned that there might be misunderstandings. It is important to make sure King County is completely included in the process.

Commissioner Galuska asked if the transportation corridor plan would be similar to an EIS, which identifies the impacts associated with a project. Or would it be more like a traffic concurrency study that identifies arithmetic limits at intersections or road sections where certain levels of congestion wouldn't be appropriate. Mr. Szafran responded that a transportation corridor plan was prepared for the previous proposal for the site, but he isn't familiar enough to know what was considered in that plan. He agreed to research the methodology and report back to the Commission.

Commissioner Galuska asked if a developer would simply need to identify the potential impacts, or would a developer be limited to a certain level of impact before mitigation would be required. How much ability does the City have to require a developer to mitigate impacts? Ms. Gierloff noted that Policy TC3 talks about not reducing the LOS in either Woodway or Shoreline. She noted that there could be a wide range of development proposals for the site, depending on whether the secondary access makes sense or not. The intent is for the policies to be broad because there is no specific proposal at this time.

Commissioner Galuska asked if the ILA has everybody, including the Growth Management Hearings Board, on the same page as far as annexation. This would be important given that it would be a cross-county annexation. Mr. Szafran answered that Mr. Bauer would provide more information about the ILA during his presentation.

Commissioner Lin asked if staff has an idea of how much buildable land is available at Point Wells. Having this information would help her better understand what the traffic impacts might be. Mr. Szafran responded that it is difficult to answer that question. There is about 50 acres on the lower portion, and density can range between 18 and 44 units per acre. However, the limiting factor will be the policy that limits the trips on Richmond Beach Drive to 4,000.

Commissioner Lin asked if the proposed policy would require a developer who wants to develop a small portion of the entire site to extend the traffic corridor study to include a possible secondary access. Mr. Szafran answered that if the proposed development would result in more than 250 ADTs, the applicant would have to provide another access to Point Wells through the Town of Woodway. Ms. Gierloff said the 250 ADT limit would apply to the entire site, and would be equivalent to about 25 houses.

Commissioner Callahan observed that the Point Wells subsite on the City's website is nice and provides up-to-date news, but the Frequently Asked Questions section needs to be updated before the public hearing.

STUDY ITEM: DEVELOPMENT CODE AMENDMENT ESTABLISHING A POINT WELLS-PLANNED AREA 4 ZONE AND REGULATIONS TO IMPLEMENT THE POINT WELLS SUBAREA PLAN.

As discussed earlier, Mr. Bauer reviewed that the City of Shoreline and the Town of Woodway entered into a Settlement and Interlocal Agreement (ILA) in late 2019. The ILA aligns the two cities on many key issues for the Point Wells Subarea. The subarea is called out in both Shoreline's and Woodway's plans as an area for potential annexation, and the ILA notes that Woodway would be first in line for annexing the subarea. Shoreline would only have the ability to annex the subarea if the Town of Woodway declines annexation.

Mr. Bauer said the ILA sets out a unified approach for how future development of the subarea would occur. It addresses transportation, secondary access through Woodway, residential density, public access to the Puget Sound shoreline, building height, etc. To align the two cities on these topics, the ILA included a provision for the formation of a joint work group that consists of staff from both Shoreline and Woodway. The workgroup was formed after the ILA was signed and has been meeting since last October, with a brief pause during the spring due to the pandemic. It has completed its recommendation on the unified subarea plan policies and development regulations. The proposal being presented to the Commission is the result of the group's work, and the Woodway Planning Commission will be considering similar amendments. This unified approach is intended to create certainty for future plans for the subarea.

Mr. Bauer provided an aerial view of the subarea, which is about 61 acres in size. It is located in unincorporated Snohomish County and has been in industrial use for more than 50 years. It is surrounded on all sides by Puget Sound, Woodway and Shoreline. The Burlington Northern Santa Fe (BNSF) rail lines cuts through the eastern side of the site, and a facility for the Brightwater treatment pipeline is near the southern area of the site. This facility would be exempt from many of the development standards. The only vehicular access is through Shoreline via Richmond Beach Drive.

Mr. Bauer reviewed that the proposed regulations are intended to implement the subarea plan and key components of the ILA. He advised that, if the Commission wants to pursue substantial changes to the draft regulations, they would likely be presented to the Woodway team for review. He reminded them that the goal is for both jurisdictions to adopt similar plans and regulations and to stay aligned with one another on key issues. He reviewed the proposed regulations, which were developed by the joint work group, as follows:

- **Transportation.** As set out in the ILA, new development in the subarea would be limited to generating 250 ADTs (roughly the equivalent of 25 units) before being required to provide a secondary access through Woodway, with no connection to Shoreline's roads. The road would have to be constructed to Woodway's standards and serve vehicles of all types. Traffic on Richmond Beach Drive would be limited to 4,000 ADTs (roughly the equivalent of 400-800 multifamily units) dependent on mitigation factors to offset some of the vehicle trips. The proposed regulations also include two conceptual street cross sections, a primary street and a secondary street. The cross sections are intended to be a starting point and could be modified or additional cross sections developed via a development agreement. The idea is to establish a baseline that conveys the types of features they want to see in a street, but also have the flexibility for the cross sections to scale up or down according to the size and scope of the development.
- **Land Uses.** The ILA requires that any future redevelopment in the subarea is pedestrian-oriented, mixed-use, and consists primarily of residential uses with a variety of housing types and limited commercial uses. The Land Use Table in the proposed regulations outlines the range of housing uses that would be allowed, as well as a limited range of commercial uses. It also prohibits auto-oriented uses such as drive-throughs. Other allowed uses would include parks, open space, government and public service uses.

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- **Dimensional Standards.** The intent of these standards is to minimize the bulk and scale of buildings to recognize the unique and sensitive nature of the subarea and the potential for preserving and/or enhancing the public views. Density is limited to 44 units per acre, and buildings are limited to maximum of 60 units each and a maximum footprint of 10,000 square feet.
- **Building Height.** The building height varies depending on the location on the site. The base height east of the BNSF rail line is 35 feet and cannot be exceeded. This area is closer to the single-family neighborhoods in Richmond Beach and Woodway and the height limit is intended to create a transitional area. The height west of the BNSF rail line is 45 feet, with provisions to go to a maximum of 75 feet with a view analysis that looks at enhancing and/or preserving public views. The view analysis would be reviewed and approved along with a development agreement. The height limits were carried over from the existing subarea plan.
- **Open Space.** Open space and public access would be required to be integrated and phased in throughout any development. The public access and public parking requirements are noted in the ILA and are also key components of the State Shoreline Management Act (SMA).
- **Aligning Existing Standards.** The work group talked a lot about how to align other basic elements of each of the respective development regulations. In the end, the work group felt it was still keeping with the intent of the ILA to refer to each city's existing regulations for typical standards like parking, landscaping, signs and tree management. The City's proposed regulations would simply cross reference the existing standards that are already adopted in the Development Code. Woodway's proposed regulations point to their existing adopted regulations, as well. While things like landscaping and signs may not be the same, they are similar enough that the group felt comfortable pointing to existing adopted standards. In Shoreline's case, there are existing green building and design standards, both of which are required elements in the ILA. Woodway is proposing new standards since they don't currently have a complete set of adopted design standards.
- **Development Agreement.** Mr. Bauer summarized that the regulations are structured such that any development within the subarea would require a development agreement. The City Council would be the final decisionmaker on a development agreement. A neighborhood meeting would be required, and a hearing would also be required before a decision on the agreement is made. As part of a development agreement, specifics related to phasing, land uses, roads and infrastructure would all be reviewed and agreed upon. The development agreement would then be the overarching land use entitlement for a development. It would also set out any conditions related to public benefits, transportation mitigation, etc. as needed to adapt and respond to the scale, size, and level of impact associated with future development. As discussed earlier by Mr. Szafran, the regulations require that the neighboring city be invited to early pre-application meetings and be provided an opportunity to review and comment on plans.

Mr. Bauer concluded his presentation by advising that a public hearing on the proposed regulations is tentatively scheduled for the Commission's October 15th meeting. Following the public hearing, the Commission will be asked to forward a recommendation to the City Council. Because this is pre-

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annexation zoning, two public hearings will be held at the City Council level. The goal is for the City Council to adopt the subarea plan in 2020 followed by the regulations in 2020 or early 2021.

Vice Chair Malek noted that there will be three public hearings before the subarea plan is adopted (one at the Planning Commission level, and two at the City Council level). He stressed the importance of getting the word out so that people can provide comments and input.

Vice Chair Malek asked staff to clarify the difference between active and passive open space. Mr. Bauer answered that passive open space is more like an interpretive trail that is for more passive uses. Active open space includes such things as tennis courts or other types of active uses. A beach area would be considered more of a passive open space.

Vice Chair Malek asked if Shoreline's staff would be given enough notice to solicit public input from Shoreline citizens via the Planning Board and City Council process before presenting feedback to the Town of Woodway regarding a proposed development agreement. Mr. Bauer answered that citizens of Shoreline would be given an opportunity to comment at Woodway's neighborhood meeting, and Shoreline staff would also have an opportunity to review and comment on the development application, but it wouldn't necessarily mean that Shoreline would hold an entirely separate process. Vice Chair Malek asked if Shoreline residents would be welcome to attend Woodway's neighborhood meeting and comment, and Mr. Bauer answered affirmatively. The meetings would be open to the public, regardless of where they live.

Commissioner Rwamashongye asked how access to the waterfront would be addressed in the policies and planning process. Mr. Bauer said the ILA includes a provision that implements the Shoreline Management Act, which requires public access to shorelines of the State. Developers will be required to provide a public access plan, which includes public access to Puget Sound. He noted that public access can take many different forms and shapes. Mr. Szafran added that one of the subarea plan policies requires public access to the shoreline, as well.

Vice Chair Malek recalled that, at one point, Blue Squares Real Estate had planned a 16,000 square foot marina in the deep-water port that currently exists. Whether that happens or not remains to be seen. However, he agreed it is important to clarify that water access is required as part of any development.

Vice Chair Malek observed that, as per the ILA, the zoning would allow roughly 2,400 units to be constructed on the site. This is more on par with an urban village than an urban center. Mr. Bauer said the density allowance is 44 units per acre, and the property is about 60 acres. Theoretically, the density would allow just over 2,400 units, but there are other limiting factors, transportation being the main one. Vice Chair Malek summarized that any developer would have to address the traffic limitations.

Chair Mork asked if the Emergency Fire provider for the property has provided input. Mr. Bauer said the work group has not reached out for this input yet. However, the subarea plan policies include a provision that public services must be procured before anything can be developed within the subarea. Chair Mork cautioned that capital facilities policies must be carefully worded, and the special purpose districts and utilities need to be involved in the process so there are no surprises later down the road.

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Chair Mork asked who would pay if Woodway annexes Point Wells, but Shoreline is required to do a study to address potential impacts of development at Point Wells. Mr. Bauer explained that if the property is annexed to the Town of Woodway, Shoreline would have a seat at the table during early meetings to review a development proposal. The City of Shoreline would have an opportunity to weigh in on what is included in the scope of the transportation corridor study, and he anticipates that the City's Traffic Engineer and Public Works Department would provide input. Typically, with a large-scale development, the developer would fund all of the environmental analysis, the preparation of the EIS, and the associated studies that need to occur to support the analysis and EIS. As the ILA is currently written, the studies would include both Shoreline and Woodway.

Chair Mork asked staff to respond to the written citizen comment concerning how to find information about the Point Wells Subarea Plan. Ms. Gierloff advised that the two staff presentations could be linked to the Point Wells Subarea Plan webpage, and the webpage could be updated to eliminate outdated information, as suggested by Commissioner Callahan. Chair Mork asked if Shoreline staff could work with Woodway staff to create a more robust fact list. Ms. Gierloff said the City's webpage could provide links to the Town of Woodway's process, as well.

Vice Chair Malek commented that Shoreline Area News and The Everett Herald are excellent sources for consistent and outstanding information. Both provide good historical data for points of reference, and the Richmond Beach Community Association has its own website for Point Wells that has a wealth of data. There is also an online Facebook site called Save Richmond Beach. Chair Mork said her interpretation of the public comment was that there is a certain rigor that goes with government sponsored facts, with the interest of getting something that has been vetted through a public agency.

Chair Mork said a late-coming written comment raised a specific question about the process of combining the Comprehensive Plan and the Development Code amendments. She asked if staff could respond now or if the response would be postponed to the next meeting. Director Markle said it is not uncommon for a subarea plan to have accompanying development regulations. This process was used for both the 145th and 185th Street Subarea Plans. It appears that, in this case, the subarea plan would be adopted first, followed closely by the development regulations. She said if the legal team provides more information regarding the comment, staff would share it with the Commission at their next meeting on the topic.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Chair Mork announced that she attended the 2nd portion of the diversity training that was provided by the National League of Cities. It was informative, and she is grateful to the City for allowing her to attend.

AGENDA FOR NEXT MEETING

Mr. Szafran announced that a public hearing on the 2020 Development Code Amendments is scheduled for October 2nd.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Laura Mork
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

6a. Staff Report - 2020 Development Code Amendments

Planning Commission Meeting Date: October 1, 2020

Agenda Item: 6a.

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2020 Development Code Amendments Public Hearing
DEPARTMENT: Planning & Community Development
PRESENTED BY: Nora Gierloff, Planning Manager
Steven Szafran, AICP, Senior Planner

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

Introduction

This is a public hearing on the 2020 Development Code Amendment Batch (2020 Batch). The Planning Commission discussed the 2020 Batch on July 2 and August 20. The Batch contains administrative fixes that are more “housekeeping” in nature, clarifications of existing Development Code regulations, and amendments that have the potential to change policy for the City. The Commission was able to complete review and discussion on all the clarifying and policy amendments contained in Attachments B and C.

The Commission had questions and comments on some of the clarifying and policy amendments which staff will address later in the report.

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

Background

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the Comprehensive Plan.

Approved By:

Project Manager _____

Planning Director RM

6a. Staff Report - 2020 Development Code Amendments

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all the following are satisfied:

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

The Planning Commission briefly discussed the 2020 Batch on July 2, 2020. Due to a lack of time at the meeting, the Commission did not complete the review of all amendments. The link to the July 2 staff report and attachments can be found here - <https://www.shorelinewa.gov/home/showdocument?id=47576>.

The Commission continued review of the Batch on August 20, 2020. The link to the August 20 staff report and attachments can be found here - <https://www.shorelinewa.gov/Home/Components/Calendar/Event/15504/182?toggle=allpast>.

The proposed amendments have been separated by administrative, clarifying, and policy amendments. **Attachment A** includes housekeeping amendments, **Attachment B** includes clarifying amendments, and **Attachment C** includes policy amendments.

At the August 20 meeting, the Commission had questions and comments on some of the administrative, clarifying, and policy amendments. Staff will address the Commission comments below.

Analysis

Administrative Amendment #10 – 20.50.310(B) – Exemptions from permit

This Commission was concerned that there was not any justification provided for deleting the reference to special drainage areas. This amendment in (B)(3) strikes the reference to “special drainage area (also in SMC 20.50.320) because the updated 2020 Engineering Development Manual (EDM) has deleted the section on Special Drainage Areas.

The City has never actually designated any areas as special drainage areas going back to at least the 2014 EDM. In the 2014 EDM there were a couple mentions that activities in Special Drainage Areas shall meet additional drainage requirements as designated by the Director. Those references were removed in the 2016 EDM, and then the Special Drainage Area section was removed all together in the 2019 EDM.

The EDM never had specific requirements for special drainage areas but did include a definition - *An area which has been formally determined by the City to require more restrictive regulation than Citywide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development.*

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Based on the EDM definition, designating something as a special drainage area would not give the City any more authority than we already have if we are aware of the issues noted in the definition such as areas of severe flooding. The special drainage area designation is an outdated tool that Public Works/the Surface Water Utility does not utilize, and it may warrant a conversation about removing the term in SMC 13.10.230 with a future batch amendment.

~~SMC 13.10.230 still references Special Drainage Areas, but it points the reader to additional regulations in the EDM.~~

The proposed Development Code language is below:

B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of three significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.
2. The removal of any tree greater than 30 inches DBH ~~or exceeding the numbers of trees specified in the table above~~, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).
3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, ~~or less than 1,500 square feet if located in a special drainage area~~, provided the tree removal threshold listed above is not exceeded.

Clarifying Amendment #7 - 20.30.315 – Site Development Permit

To clarify this section even further, the Commission discussed adding the site improvement thresholds that require a Site Development Permit.

There are four triggers that depend on definitions in the Stormwater Manual:

1. Site improvements that result in 2000 square feet, or more, of new plus replaced hard surface area.
2. Land disturbing activities totaling 7000 square feet or greater.
3. Converting $\frac{3}{4}$ acres or more of vegetation to lawn or landscape areas.
4. Converting 2.5 acres or more of native vegetation to pasture.

Staff recommends against adding the specific thresholds to the Development Code since some of the terms in the Stormwater Manual are not defined in the Development Code. Also, the thresholds that trigger a site development permit may change in the future. Instead, staff recommends adding a reference to the thresholds in the Stormwater Manual and Engineering Development Manual to make it easier for the

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reader to find the specific regulations and also allow staff to update the requirements without having to bring changes through the Planning Commission.

The recommended changes to the proposed amendment are highlighted in blue below:

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by [Division 3 of the Engineering Development Manual.](#)

Clarifying Amendment #14 - Exceptions to Table 20.50.020(3) – Transition Areas

The Commission was unclear how this proposed Development Code amendment would change the current requirement for setbacks in the transition zones. As currently written, Exception #2 says that front yard setbacks across rights of way shall be a minimum of 15 feet. The intent of Exception #2 is to require the 15-foot minimum in transition areas, not all areas across right of way. Staff re-examined the proposed language and agree with the Commission that the proposed language from August 20 does not achieve staff's goal of providing more clarity. Staff has revised the language to strike, "and across from right-of-way's", since these standards are already covered in SMC 20.50.021 – Transition Standards.

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

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

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Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) ~~and across rights-of-way~~, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.

Clarifying Amendment #18 - Exception 20.50.360 – Tree replacement and site restoration

This proposed amendment is duplicated in both Attachment B – Clarifying Amendments and Attachment C – Policy Amendments. The proposed amendment seeks to change the way trees are replanted, retained and potentially paid for and is more appropriately located in the policy amendments. The amendment will be deleted from Attachment B – Clarifying Amendments and the Commission’s comments will be addressed later in this staff report.

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Clarifying Amendment #22 – 20.50.400 – Reductions to minimum parking requirements

This amendment updates the criteria for parking reductions to clarify the requirements and how the different incentives interact. Providing a dedicated car-sharing space is an example of an action that reduces demand for parking spaces. The Commission wanted to clarify that more than one car-sharing provider should be allowed. The change is noted below.

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:

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

Policy Amendment #4 – 20.30.100 Application.

Unlike many jurisdictions, Shoreline does not have a provision that states it will not accept applications or issue permits following the issuance of a Notice of Violation for a parcel until all outstanding violations are corrected prior to application or when the permit is needed to correct the violations, or the city has entered a compliance plan. Currently, the city cannot stop an applicant from submitting a development application and the city approving the permit even though there is an ongoing and outstanding violation on the parcel.

Commissioner Guluska had concerns about the nexus of the violation issued on the property and any subsequent permits being applied for. Staff consulted with the City Attorney's Office and found that it is appropriate to restrict the issuance of building permits when a violation has been issued on the property, regardless of the type of permits being applied for. The intent of the amendment is to correct situations where the City has issued a notice and order to the property owner. A notice and order is issued only after the City has made multiple attempts for voluntary compliance by the property owner. Most of the time, these violations linger for years without correction.

Generally, the rule is that a building permit is a ministerial act and an applicant is entitled to its immediate issuance upon compliance with zoning regulations and appropriate fees tendered. *Mission Springs v. City of Spokane (1998)* (municipality may not withhold a ministerial permit for reasons extraneous to the satisfaction of the statutory criteria). But, by adding the proposed language to the SMC, it becomes another regulation that an applicant must comply with prior to permit issuance. The regulation serves a legitimate governmental purpose of seeking compliance with the SMC of which, compliance is in the best interest of the City's public health, safety, and welfare. There are no proposed changes to the proposed Development Code amendment below.

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A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.
3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.
4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
5. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.
7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

Policy Amendment #6 – 20.30.295 – Temporary Use

The proposed amendment will allow emergency temporary shelters for those that are homeless and for those shelters to be regulated similarly to Transitional Encampments. The only difference between the two uses is that emergency temporary shelters are located within existing structures and can be in any zone in the city. Also, emergency temporary shelters are usually established during times of inclement weather and natural disasters. In order to provide shelter to our most vulnerable populations, some requirements of admittance must be waived such as the requirement for valid identification.

Commissioner Callahan suggested the City should provide a handout that lists all our temporary structures –such as homeless encampments, tents for public health purposes, recreational vehicles, emergency shelters and safe car parking lots.

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The Department will consider pulling together a handout with our regulations around the various temporary housing options in the Development Code. Staff will also discuss various types of temporary housing at the open house to discuss King County's proposed shelter at 165th and Aurora Avenue. There are no proposed changes to the proposed Development Code amendment below.

Commissioner Callahan also had a question about cars and RVs used for temporary housing. Parking is regulated separately in ROW and on private property. The use of recreational vehicles on private property regulated in SMC 20.40.495 does not address a more intense creation of "safe parking" for people experiencing homelessness, but there is language about deviation from the standards through the temporary use permit (TUP) process. For example, a TUP was issued for a church to host a conference on their site with some attendees using the parking lot for lodging in recreational vehicles. If a sponsor were to propose a temporary RV encampment there would be a path in the Code for consideration. Occupants of temporary encampments often have vehicles and there could be a "safe parking" component to an encampment under our current Code.

20.30.295 – Temporary use

C. Except for transitional encampments and emergency temporary shelters, a temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year.

D. **Additional Criteria for Transitional Encampment and Emergency Temporary Shelters.**

1. The site must be owned or leased by either a host or managing agency.
2. The application fee for a temporary use permit (TUP) for a transitional encampment or emergency temporary shelter is waived.
3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.
4. For transitional encampments, ~~t~~The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center. No identification is required for residents to utilize an emergency temporary shelter.
5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment or shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; ~~and exclusion of sex offenders.~~ Transitional encampments must also include provisions that, at minimum, prohibit sex offenders. For transitional encampments, ~~T~~the applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an

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affidavit of assurance with the permit submittal package that this procedure ~~is being~~ will be met and will continue to be updated during the duration of the encampment.

6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.

7. Site Requirements for Transitional Encampments.

a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.

b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:

- i. Topography changes from adjoining property;
- ii. Visually solid, minimum six-foot height, intervening structures;
- iii. Distance from nearest structure on neighboring property;
- iv. Vegetation that creates a visual screen.

c. The transitional encampment shall be screened. The screening shall meet setbacks except screening or structures that act as screening that are already in existence. The color of the screening shall not be black.

d. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

e. All tents must be made of fire-resistant materials and labeled as such.

f. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.

g. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking.

h. Emergency vehicle access to the site must be maintained at all times.

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- i. Members of the transitional encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the transitional encampment at all times.
- j. Provide adequate sanitary facilities.

8. Emergency temporary shelters may be located within an existing building subject to applicable Building and Fire codes and must obtain a Fire Operational Permit prior to occupancy.

9. For emergency temporary shelters, the applicant shall provide a list of conditions that warrant opening the shelter.

10. 8. Transitional encampments and emergency temporary shelters ~~The encampment~~ shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

11. 9. Transitional encampments and emergency temporary shelters ~~The encampment~~ shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy.

12. 40. Transitional encampments and emergency temporary shelters ~~Encampments~~ may be allowed to stay under the temporary use permit for up to 90 days. A TUP extension may be granted for a total of 180 days on sites where hosts or agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City but does not require an additional neighborhood meeting or additional application materials or fees.

13. 44. Host or managing agencies may not host a transitional encampment or temporary emergency shelter on the same site within 180 days of the expiration date of the TUP for a transitional encampment or temporary emergency shelter.

14. 42. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance.

Policy Amendment #10 – 20.50.020 Dimensional requirements.

This amendment originally exempted schools from hardscape requirements. Schools in Shoreline are primarily developed on land zoned R-6 which is intended for single-family residential uses. New or redeveloped schools are limited to 50% hardscape on a lot which is difficult to meet for these more intensive uses. In addition, schools have been exchanging grass playfields for artificial turf fields which allow more opportunities for recreation on a year-round basis, something the city needs for schools and league sports.

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The Commission was concerned about schools having no limit to the amount of hardscape allowed and recommended adding a specific hardscape percentage. Staff consulted with the applicant and believe between a 65 percent (65%) and 75 percent (75%) hardscape maximum will allow the District to provide the necessary buildings and recreational amenities the District and the public require.

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)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)(19)	45%	50%	65%	75%	85%	85%	90%	90%

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(19) The maximum hardscape for Public and Private Kindergarten through grade 12 schools is 75 percent are exempt from hardscape requirements.

Policy Amendment #11 – 20.50.020 Dimensional requirements.

This amendment will allow the reduction of side and rear setbacks in the MUR-70' zone when new development is adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots or transit access facilities. The amendment will mostly apply to parcels that are abutting Sound Transit owned stations and facilities. In one case, a developer wants to develop a parcel that is adjacent to the future 145th Street light rail station with multifamily buildings. The design of the buildings will allow access to the Sound Transit station at 145th Street. Since the subject property line is considered the rear of the building, the Development Code requires a 5-foot setback. Staff believes this requirement should be amended if the site and building design of a new project increases access and walkability to a station or other mass-transit facility.

The Commission discussed this amendment and supported the proposed language for projects that provide a direct connection for pedestrians between the proposed development and the transit facility. The proposed amendment has been updated below.

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' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street

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STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
		22 ft if located on 145th Street (15)	10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(20) Setback may be reduced to 0-feet when a direct pedestrian connection is provided to an adjacent light rail transit station, light rail transit parking garage, transit park and ride lot, or transit access facility.

Policy Amendment #14 – Exception 20.50.360 – Tree replacement and site restoration

There are two amendments to this section. The first amendment proposed by staff has been partially withdrawn by the Director to allow for additional study. The language originally proposed by staff and amended by the Director is shown below as underline and stricken. The concepts that need more study relate to understanding the impact of deleting the criteria for a reduction in the number of replacement trees and only allowing a reduction in the number of replacement trees if the fee in lieu is paid for each tree. The main purpose of further study is to determine if: the criteria are still needed to allow a project to reduce the required number of replacement trees; and only allowing reduction in the number of replacement trees is an equitable solution to this issue.

The Director has amended the staff proposed amendment to include the ability to allow the use of the established fee in lieu currently set at \$2,611 per tree when a project meets the criteria in Exception 20.50.360(C)(b). The payment of a fee in lieu would be used by the City to plant trees in parks or other natural areas.

The second amendment allows the City to require mitigation when non-regulated trees that were required to be retained are instead deliberately removed and remains unchanged.

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The Commission previously commented that there should be added language in the second part of this amendment that addresses the replacement tree requirements when protected trees are deliberately removed. Staff recommends requiring three replacement trees for every tree that was removed which is the current replacement requirement for the removal of non-exempt trees.

20.50.360 Tree replacement and site restoration.

A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area report, mitigation or restoration plans, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

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

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

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

b. To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, the Director may approve the payment of a fee in lieu of replacement at the rate set forth in chapter 3.01 Fee Schedule for each replacement tree that would be required. allow a reduction in the minimum replacement trees required or the payment of a fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule ~~off-site planting of replacement trees~~ if all of the following criteria are satisfied:

:

- i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.

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- ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
 - iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
 - iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
- c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.
- d. ~~The Director may not require the r~~Replacement of significant tree(s) approved for removal pursuant to Exception SMC 20.50.350(B)(5) is not required.
4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.
5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.
6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.
- D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.
- E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
- F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.
- G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.
- H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.
- I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-

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project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

J. Significant trees which would otherwise be retained, but which were unlawfully removed, or damaged, or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

K. Nonsignificant trees which are required to be retained as a condition of permit approval, but are unlawfully removed, damaged, or destroyed through some fault of the applicant, representatives of the applicant, or the property owner(s), shall be replaced at a ratio of three to one. Minimum size requirements for replacement trees are deciduous trees at least 1.5 inches in caliper and evergreen trees at least six feet in height in a manner determined by the Director.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

In accordance with SMC 20.30.350(A), an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The Planning Commission makes a recommendation to the City Council, which is the final decision-maker on whether to approve or deny an amendment to the Development Code. The following are the Decision Criteria used to analyze a proposed amendment:

1. *The amendment is in accordance with the Comprehensive Plan*

Staff has determined that the proposed amendments in the 2020 Batch are consistent with the following Comprehensive Plan Goals and Policies:

Goal LU 1: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods;

LU6: Protect trees and vegetation and encourage additional plantings that serve as buffers. Allow flexibility in regulations to protect existing stands of trees.

LU55: Parking requirements should be designed for average need, not full capacity. Include regulatory provisions to reduce parking standards, especially for those uses located within ¼ mile of high-capacity transit, or serving a population characterized by

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low rates of car ownership. Other parking reductions may be based on results of the King County Right-Sized Parking Initiative.

H19: Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city

CD3. Encourage commercial, mixed-use, and multi-family development to incorporate public amenities, such as public and pedestrian access, pedestrian-oriented building design, mid-block connections, public spaces, activities, and solar access.

NE3. Balance the conditional right of private property owners to develop and alter their land with protection of native vegetation and critical areas.

NE12. Seek to minimize risks to people and property in hazard areas through education and regulation.

Staff Analysis: The proposed 2020 Batch amendments are mostly “housekeeping” and clarifications of existing regulations. The proposed policy amendments comply with the goals and policies of the Comprehensive Plan. For example, adding Emergency Temporary Shelters will provide temporary housing to the City’s most vulnerable population. Adding a fee-in-leu for replacement trees and requiring the replanting of trees for trees that were required to remain in place will further Policies LU6 and NE3.

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

The proposed amendments will not adversely affect the public health, safety, or general welfare of the residents of Shoreline. It will promote the general welfare by providing needed updates and clarifications of current development regulations and addresses changing circumstances throughout the City.

- 3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The proposed amendments are not contrary to the best interest of the residents and property owners of the City of Shoreline.

Staff Recommendation

Staff recommends that the Planning Commission make findings and conclusions to recommend approval of the 2020 Batch (Attachments A, B, and C) to the City Council.

Next Steps

The schedule for the 2020 Batch of Development Code amendments is as follows:

6a. Staff Report - 2020 Development Code Amendments

October 1	Planning Commission Public Hearing on the 2020 Batch of Development Code Amendments
October 26	City Council Study Session of the 2020 Batch of Development Code Amendments
November 16	City Council Adoption of the 2020 Batch of Development Code Amendments

Attachment

- Attachment A – Proposed Administrative Amendments
- Attachment B – Proposed Clarifying Amendments
- Attachment C – Proposed Policy Amendments

DEVELOPMENT CODE AMENDMENT BATCH 2020 – Administrative Amendments

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Number	Section	Topic	Type
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20.30 – Procedures and Administration			
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3	20.30.310	Shall to May	A
4	20.30.315	Shall to May, Add EDM Reference	A
5	20.30.333	Shall to May	A
6	20.30.336	Shall to May	A
20.40 – Zoning and Use Provisions			
7	20.40.160	Tent City	A
20.50 – General Development Standards			
8	20.50.020(1) and 20.50.020(2)	Match Table with Footnotes (Numbering is Incorrect)	A
9	20.50.080(B)	Side-yard Setbacks	A
10	20.50.310(B)	Deletes Reference to Removed Table	A
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13	20.70.240(F)(1)	Private Streets	A

A = Administrative

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1

20.20.010 – A definitions

Justification – This amendment updates the definition of Affordable Housing by removing an unnecessary reference to another code section.

Affordable Housing Housing reserved for occupancy to households whose annual income does not exceed a given percent of the King County median income, adjusted for household size, and has housing expenses no greater than 30 percent of the same percentage of median income. ~~For the purposes of this title, the percent of King County median income that is affordable is specified in SMC 20.40.235~~

Staff recommendation – Staff recommends that this amendment be approved.

20.30 Amendments

Amendment #2

20.30.290 – Deviation from the Engineering Standards (Type A action)

Justification – This amendment changes “shall” to “may” on the advice of the City Attorney because this is a discretionary decision by the Department Director.

A. **Purpose.** Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

B. **Decision Criteria.** The Director of Public Works may ~~shall~~ grant an engineering standards deviation only if the applicant demonstrates all of the following:

1. The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such deviation will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;

3. The deviation is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;
4. A deviation from engineering standards ~~may shall~~ only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest; and
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment;
5. Deviations from road standards must meet the objectives for fire protection. Any deviation from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal;
6. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must meet the objectives for appearance and environmental protection;
7. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must be shown to be justified and required for the use and situation intended;
8. Deviations from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
 - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration;
 - b. Construction of the facility can, in practice, be successfully carried out; and
 - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
9. Deviations from utility standards ~~may shall~~ only be granted if following facts and conditions exist:
 - a. The deviation shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - b. The deviation is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 - c. The granting of such deviation is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #3**20.30.310 – Zoning Variance**

Justification – This amendment changes “shall” to “may” on the advice of the City Attorney because this is a discretionary decision by the Department Director.

A. Purpose. A zoning variance is a mechanism by which the City may grant relief from the zoning provisions and standards of the Code, where practical difficulty renders compliance with the Code an unnecessary hardship.

B. Decision Criteria. A variance ~~shall~~ may be granted by the City, only if the applicant demonstrates all of the following:

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
5. The variance is compatible with the Comprehensive Plan;
6. The variance does not create a health or safety hazard;
7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - a. The property or improvements in the vicinity, or
 - b. The zone in which the subject property is located;
8. The variance does not relieve an applicant from:
 - a. Any of the procedural or administrative provisions of this title, or
 - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - c. Use or building restrictions, or
 - d. Any provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II;
9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or
11. The variance is the minimum necessary to grant relief to the applicant.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #4

20.30.315 – Site Development Permit

Justification – The amendment to this section codifies stormwater requirements laid out in the Engineering Development Manual. In order to be in compliance with the City’s NPDES permit, the City must do stormwater review for all projects triggering Minimum Retention requirements 1-5. Some of these projects do not currently require permits so these reviews are not always being done. This amendment will cover that missing gap.

- A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.
- B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:
 1. The construction of two or more detached single-family dwelling units on a single parcel;
 2. Site improvements associated with short and formal subdivisions; or
 3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
 4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by the Engineering Development Manual.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #5

20.30.333 – Critical Area Special Use Permit (Type C Action)

Justification – This amendment changes “shall” to “may” on the advice of the City Attorney because this is a discretionary decision by the Department Director.

- A. Purpose. The purpose of the critical areas special use permit is to allow development by a public agency or public utility when the strict application of the critical areas standards would

otherwise unreasonably prohibit the provision of public services. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. Decision Criteria. A critical areas special use permit ~~shall~~ may be granted by the City only if the utility or public agency applicant demonstrates that:

1. The application of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, would unreasonably restrict the ability of the public agency or utility to provide services to the public;
2. There is no other practical alternative to the proposal by the public agency or utility which would cause less impact on the critical area;
3. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity;

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #6

20.30.336 – Critical Areas Reasonable Use Permit (CARUP) (Type C Action)

Justification – This amendment changes “shall” to “may” on the advice of the City Attorney because this is a discretionary decision by the Department Director.

A. Purpose. The purpose of the critical areas reasonable use permit is to allow development and use of private property when the strict application of the critical area regulations would otherwise deny all reasonable use of a property. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. Decision Criteria. A reasonable use permit ~~shall~~ may be granted by the City only if the applicant demonstrates that:

1. The application of the critical area regulations, Chapter 20.80 SMC, Critical Areas, would deny all reasonable use of the property; and
2. There is no other reasonable use of the property with less impact on the critical area; and
3. Any alterations to the critical area would be the minimum necessary to allow for reasonable use of the property; and
4. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity, is consistent with the general purposes of this title and the public interest, and all reasonable mitigation measures have been implemented or assured; and
5. The inability to derive reasonable economic use is not the result of the applicant’s action unless the action (a) was approved as part of a final land use decision by the City or other agency with jurisdiction; or (b) otherwise resulted in a nonconforming use, lot or structure as defined in this title; and

Staff recommendation – Staff recommends that this amendment be approved.

20.40 Amendments

Amendment #7**20.40.160 – Station Area Uses**

Justification – Tent City is an outdated term, used before the city enacted development regulations for Transitional Encampments. Currently, Transitional Encampments are allowed in all zones through the approval of a Temporary Use Permit and additional criteria for transitional encampments is in SMC 20.30.295 Temporary Use. This use is being deleted from the use table because the use of “P” denotes a permitted use so a Temporary Use Permit would not be required in the MUR zones, while such a permit is required in all other zones. .

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
Tent City		P-i	P-i	P-i

Staff recommendation – Staff recommends that this amendment be approved.

20.50 Amendments

Amendment #8**20.50.020 Dimensional requirements.**

Justification – This amendment is an administrative correction of two footnotes in Table 20.50.020(1). Two of the numbers in the table do not match the footnotes of the table.

- 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) (14)	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) (15)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (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 zero lot line and unit lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

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

- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.
- (8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.
- (9) Base height for 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.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (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.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #9
20.50.080(B) and Figure 20.50.080(B)

Justification – The City updated the side-yard setback requirement for R-4 and R-6 from 15-foot cumulative to 5-foot minimum in 2017 and the following section was never deleted to reflect that change.

~~B. The side yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except that on irregular lots with more than two side yards, the sum of the two longest side yards must be minimum 15 feet, but none of the remaining side yard setbacks shall be less than five feet. If an irregular lot, such as a triangle lot, which contains only one designated side yard, it shall be a minimum of five feet.~~

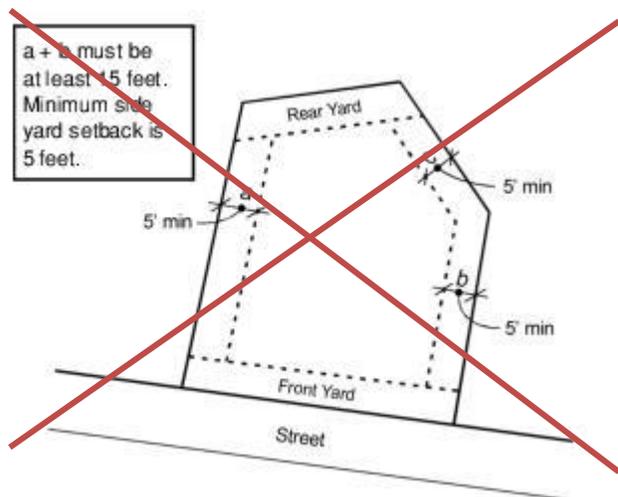


Figure 20.50.080(B): Side yard requirements for irregular lots.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #10
SMC 20.50.310(B) – Exemptions from permit

Justification – Ordinance 850 deleted Table 20.50.310(B)(1) from the code, leaving just the text for (B)(1). However, Section (B)(2) still references what is now the non-existent table that was deleted by Ordinance 850.

B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of three significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.
2. The removal of any tree greater than 30 inches DBH ~~or exceeding the numbers of trees specified in the table above~~, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).
3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, ~~or less than 1,500 square feet if located in a special drainage area~~, provided the tree removal threshold listed above is not exceeded.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #11

20.50.390(D) – Special Nonresidential Standards

Justification – Personal Care was deleted as a use as part of Ordinance 824 and the below reference in Table 20.50.390D was not concurrently deleted.

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Nursing and personal care facilities:	1 per 4 beds

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #12

20.50.450 - Purpose

Justification – This amendment corrects a wrong word choice. The correct word is “complement” not “compliment.”

The purposes of this subchapter are:

1. To enhance the visual continuity within and between neighborhoods;
2. To establish at least an urban tree canopy through landscaping and street trees;
3. To screen areas of low visual interests and buffer potentially incompatible developments; and
4. **To complement the site and building design with landscaping.**

Staff recommendation – Staff recommends that this amendment be approved.

20.70 Amendments

Amendment #13

20.70.240(F) – Private streets

Justification – 20.70.240(F)(1) specifies four (4) or fewer single-family lots as a condition for allowing a private street, while the recently created table in 20.70.450 specifies that an access is only considered a private street when 5 or more single-family detached units are developed. These two provisions are in conflict so this is a clarification so 20.70.240 will match the language in the recently amended 20.70.450 (Ord. 850, 2019).

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met, then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:

1. The street would ultimately serve ~~four~~ five or ~~fewer~~ more single-family detached dwelling units or lots; or
2. ~~The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or~~
3. The private street would serve developments where no circulation continuity is necessary.

Staff recommendation – Staff recommends that this amendment be approved.

DEVELOPMENT CODE AMENDMENT BATCH 2020 – Clarifying Amendments

TABLE OF CONTENTS

Number	Section	Topic	Type
20.20 – Definitions			
1	20.20.010	Affordable Housing and Assisted Living Facilities	C
2	20.20.028	Junk Vehicles	C
3	20.20.034	Manufactured and Mobile Homes	C
4	20.20.040	Party of Record	C
5	20.20.046	Senior Citizen Assisted Housing (delete)	C
20.30 – Procedures and Administration			
6	20.30.060	Remove Final Formal Plat from Type C Table	C
7	20.30.315	Add EDM Reference	C
8	20.30.355(D)	Affordable Housing Fee-in-Lieu	C
9	20.30.425	Approved Subdivision Extension	C
20.40 – Zoning and Use Provisions			
10	20.40.120	Add Assisted Living Facility	C
11	20.40.140	Delete “i” under Residential Treatment Facility	C
12	20.40.150	Add Dormitory to Campus Uses	C
13	20.40.320	Daycare II facilities in the R-4 and R-6 zones	C
20.50 – General Development Standards			
14	20.50.020(3)	Transition Area Setbacks	C
15	20.50.040(F)	Setbacks Along the Street	C
16	20.50.160(C)	Site Configuration for Townhomes	C
17	20.50.240(E)	Separated Internal Walkways	C
18	20.50.360	Unlawfully Removed Nonsignificant Trees and Replacement Trees and Correct Reference	C
19	20.50.370	Tree Protection Standards	C
20	20.50.390(A)	Change “Apartment” to Multifamily” and delete electric vehicles from table	C
21	20.50.390(B)	Replace Senior Assisted with Assisted Living	C
22	20.50.400	Parking Reductions	C
23	20.50.410	Parking in Setbacks	C
20.80 – Critical Areas			
24	20.80.280(C)	Setbacks from Streams	C

C = Clarification

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1

20.20.010 – A definitions

Justification – This amendment adds a definition for Assisted Living Facilities, replacing the definition for Senior Citizen Assisted Housing. This use is distinct from an adult family home which can accommodate up to 6 residents and must be regulated as a single-family home under local zoning and building codes. Licensing and regulations are given in Chapter 388-76 WAC.

An assisted living facility is different and can accommodate seven or more residents with extensive licensing, operational and building requirements under Chapter 388-78A WAC/18/20 RCW.

Assisted Living Facilities Any home or other institution that provides housing, housekeeping services, meals, laundry, activities, and assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 18.20 RCW, chapter 74.39A, RCW, and chapter 388-78A WAC, as amended, to seven or more residents. "Assisted living facility" does not include facilities certified as group training homes under RCW 71A.22.040, nor any home, institution, or section that is otherwise licensed and regulated under state law that provides specifically for the licensing and regulation of that home, institution, or section. "Assisted living facility" also does not include senior independent housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #2

20.20.028 – J definitions

Justification – The proposed amendment to the definition of junk vehicle will allow the City's Customer Response Team and the Police Department to determine when a vehicle qualifies for a junk vehicle. Junk vehicles are regulated in SMC 20.30.750 and the section outlines the process of abating the nuisance.

- Junk Vehicle A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
- A. Is three years old or older;
 - B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;
 - C. Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
 - D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #3

20.20.034 – Manufactured and Mobile homes

Justification – While researching the two different Recreational Vehicle definitions in –SMC 13.12 Floodplain Management and Title 20 – Development Code, staff noticed that Manufactured Homes are defined in both Titles and the definitions are different. This amendment to SMC 20.20.034 makes both definitions consistent.

Both definitions are included below:

Manufactured Home A factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.

13.12.105 Definitions.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

New Manufactured Home definition –

Manufactured Home A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”
~~factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.~~

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #4**20.20.040 – P definitions**

Justification – The definition of Party of Record is proposed to be amended to match language in SMC 20.30.150, Notice of decision which states, “For Type B and C actions, the Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision.

- Party of Record
- A. A person who testifies at a hearing;
 - B. The applicant;
 - C. For Type B and C actions, persons submitting written testimony about a matter pending before the decision-making authority; or
 - D. The appellant(s) and respondent(s) in an administrative appeal.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #5**20.20.046 – S definitions**

Justification – Staff proposes to replace this definition with a new and more accurate definition of Assisted Living Facility in Amendment #1.

- Senior Citizen Assisted Housing
- ~~Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:~~
- ~~A. Common dining facilities or food preparation service;~~
 - ~~B. Group activity areas separate from dining facilities;~~
 - ~~C. A vehicle exclusively dedicated to providing transportation services to housing occupants;~~
 - ~~D. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.~~

Staff recommendation – Staff recommends that these amendments be approved.

20.30 Amendments

Amendment #6**20.30.60 – Quasi-judicial decisions – Type C**

Justification – This amendment removes Final Formal Plats from the Type C actions Table. This amendment streamlines the process for approving Final Formal Plats from a quasi-judicial Type C action to an administrative approval by the Director in accordance with RCW 58.17.100 because the preliminary formal plat was reviewed by Hearing Examiner and approved by the City Council.

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

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

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
§9. Plat Alteration with Public Hearing ⁽⁵⁾	Mail	HE ^{(1), (2)}		120 days	20.30.425

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁵⁾ A plat alteration does not require a neighborhood meeting.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #7

20.30.315 – Site Development Permit

Justification – The amendment to this section codifies stormwater requirements laid out in the Engineering Development Manual. In order to be in compliance with the City's NPDES permit, the City must do stormwater review for all projects triggering Minimum Retention requirements 1-5. Some of these projects do not currently require permits so these reviews are not always being done. This amendment will cover that missing gap.

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning and Community Development:

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or

4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by the Engineering Development Manual.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #8

20.30.355(D) – Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.

Justification – This amendment seeks to strike the last sentence under #1 which refers to a fee in lieu for constructing affordable housing units. This was not the intention of the fee in lieu program. The fee in lieu was authorized for partial units, or the units that are fractional when performing affordable unit calculations. The fee in lieu program is not intended to replace full affordable units for a fee.

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 available upon the City Council's establishment of a fee in lieu formula. Full units are not eligible for fee in lieu option and must be built on site. ~~constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on site.~~ The fee will be specified in SMC Title 3.

3.01.025 Affordable housing fee in lieu.

2019 Fee Schedule		
A. Rate Table		
Zoning district	Fee per unit if providing 10% of total units as affordable	Fee per unit if providing 20% of total units as affordable
MUR-45	\$206,152	\$158,448
MUR-70	\$206,152	\$158,448
MUR-70 with development agreement	\$253,855	\$206,152

Note: The fee in lieu is calculated by multiplying the fee shown in the table by the fractional mandated unit. For example, a 0.40 fractional unit multiplied by \$206,152 would result in a fee in lieu of \$82,460.80.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #9**20.30.425 – Alteration of recorded plats.**

Justification – This amendment sets a deadline for recording the alteration of 60 days after approval.

E. Recording of Alteration. No later than 30 calendar days after approval of the alteration, the applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW and processed for signature in the same manner as set forth for final plats in this chapter. No later than 60 calendar days after the City has signed the altered plat, the applicant shall file, at their sole cost and expense, the revision approved by the alteration to the altered plat with the King County Recorder to become the lawful plat of the property. The Director may approve a 30-day extension of the recording deadline if requested by the applicant for prior to expiration of the approval.

Staff recommendation – Staff recommends that this amendment be approved.

20.40 Amendments

Amendment #10**20.40.120 – Residential Uses**

Justification – This amendment deletes Apartment (it is considered Multifamily) as a use listed on the Table and adds the new defined Assisted Living Facility to the residential use table.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
-	Apartment	-	⊖	⊖	⊖	⊖	⊖	⊖	⊖
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Multifamily		C	P	P	P	P-i	P	P
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Adult Family Home	P	P	P	P				
	<u>Assisted Living Facility</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility	C-i	C-i	P-i	P-i				
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Homeless Shelter						P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use

S = Special Use

C = Conditional Use

-i = Indexed Supplemental Criteria

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #11**20.40.140 – Other Uses**

Justification – This amendment will delete the “i” in the table since Residential Treatment Facilities (RTFs) do not have indexed criteria associated with the use. SMC 20.20.044 currently has a definition of RTFs and refers to the RCW and WAC that regulated such uses. The definition of RTFs is, “A facility licensed by the State pursuant to Chapter 71.12 RCW and Chapter 246-337 WAC that provides 24-hour on-site care for the evaluation, stabilization, or treatment of residents for substance abuse, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing. Because the RCW and WAC have specific regulations for RTFs, the City does not have to rely on additional indexed criteria for this use.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
P = Permitted Use					S = Special Use				
C = Conditional Use					-i = Indexed Supplemental Criteria				

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #12**20.40.150 – Campus Uses**

Justification – Shoreline Community College has recently completed a student housing building and more dormitories may be necessary in the future. Other campuses such as CRISTA and Fircrest may also need this use in the future. The only way new uses can be added to the Campus zones is through the Master Development Plan Permit (MDP). The Shoreline Community College Master Development Plan Permit was adopted in 2013 and included

Dormitories as a permitted use. This amendment is adding dormitories based on the approved Shoreline Community College MDP.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
	<u>Dormitory</u>	<u>P-m</u>	<u>P-m</u>		<u>P-m</u>
6111	Elementary School, Middle/Junior, High School	P-m			

Staff recommendation – Approve this change for consistency with the Shoreline Community College Master Development Plan.

Amendment #13

20.40.320 – Daycare facilities

Justification – SMC 20.40.130 lists Daycare II as a permitted use in the R-4 and R-6 zones with indexed criteria. The indexed criteria are unclear when a Daycare II is permitted. This amendment makes it clear that Daycare II facilities are only allowed in the R-4 and R-6 zones when they are a reuse of an existing house of worship or school without expansion.

20.40.320 Daycare facilities.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and
2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved conditional use permit. Daycare II facilities are permitted or as a reuse of an existing house of worship or school facility without expansion in the R-4 and R-6 zones, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.
2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.
3. Hours of operation may be restricted to assure compatibility with surrounding development.

Staff recommendation – Staff recommends that these amendments be approved.

20.50 Amendments

Amendment #14

Exceptions to Table 20.50.020(3) – Transition Areas

Justification – As currently written, Exception #2 says that front yard setbacks across rights of way shall be a minimum of 15 feet. The intent of Exception #2 is to require the 15-foot minimum in transition areas, not all areas across right of way.

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

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) ~~and across rights-of-way~~, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #15

20.50.040(F) Setbacks – Designation and measurement

Justification – This amendment is a minor correction. The City has adopted alternative setback standards for zones such as MUR-35' and MUR-45' where setbacks can be 0-feet if the necessary frontage improvements are in place. The existing language states that the setback must 10-feet in all other zones. This proposed amendment seeks to allow this.

F. Allowance for Optional Aggregate Setback. For lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as critical areas, an existing cluster of significant trees, or other unique natural or historic features that should be preserved without disturbance, the City may reduce the individual required setbacks; however, the total of setbacks shall be no less than the sum of the minimum front yard, rear yard, and side yards setbacks. In order to exercise this option, the City must determine that a public benefit is gained by relaxing any setback standard. The following criteria shall apply:

1. No rear or side yard setback shall be less than five feet.
2. The front yard setback adjacent to the street shall be no less than 15 feet in R-4 and R-6 and 10 feet in all other zones. (See Exception 20.50.070(1).)

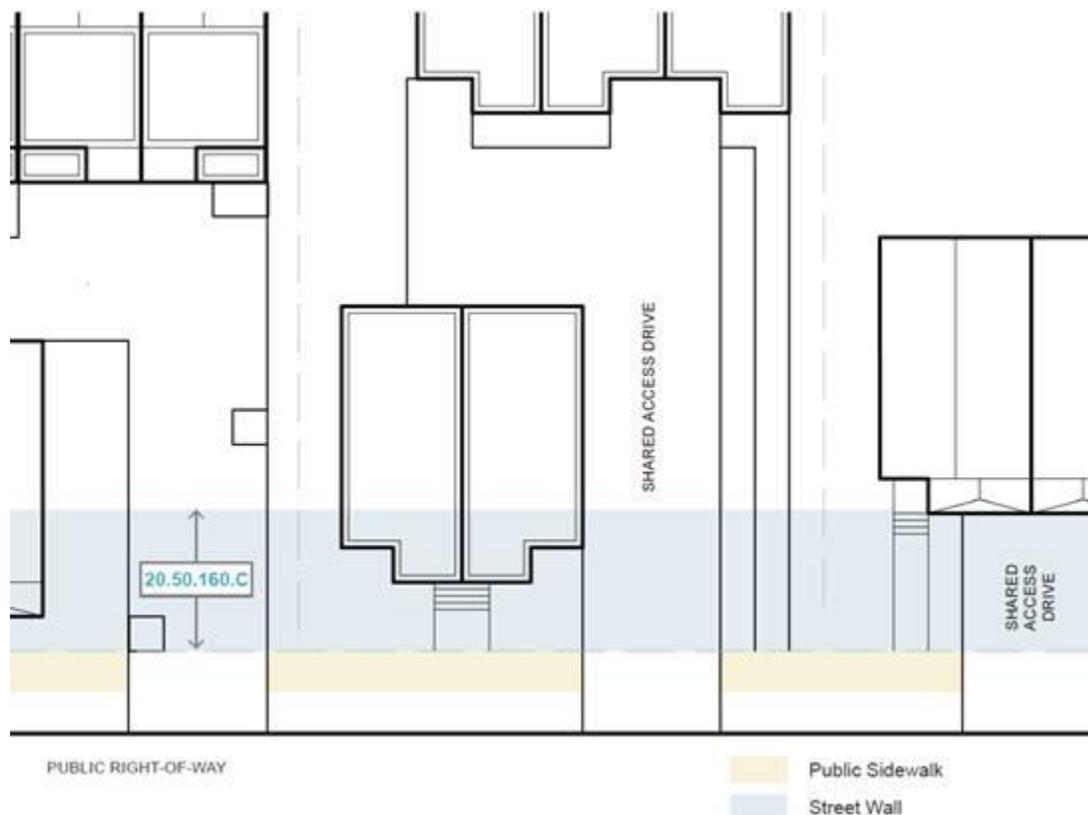
Staff recommendation – Staff recommends that these amendments be approved.

Amendment #16

20.50.160(C) – Site Configuration

Justification – The language contained in this section needs to be amended to clarify the intent of the townhome design standards and match the illustration included with this code requirement. The intent of the section is for the units within 25-feet of the front property line to be oriented, or facing, the street.

C. Site Configuration. At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line, with the front façade of the unit(s) oriented towards the public right-of-way, to create a “street wall” which enhances the streetscape and overall pedestrian experience.



Staff recommendation – Staff recommends that these amendments be approved.

Amendment #17

20.50.240(E) – Internal site walkways

Justification – This section does not currently clarify what “separated” means. The proposed language creates a minimum standard to be considered separated.

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent public sidewalks and the Interurban Trail, where adjacent, (except in the MUR-35' zone).

a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicle traffic or raised six inches and be at least eight feet wide. Separated from motor vehicle traffic means (1) there is at least three (3) linear feet of landscaping between the closest edge of the vehicular circulation area and closest edge of the pedestrian access or (2) separation by a building;

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #18**Exception 20.50.360 – Tree replacement and site restoration**

[Amendment #18 is being deleted from Attachment B since it is a duplicate of Amendment #14 in Attachment C.](#)

Justification – There are two amendments to this section.

- 1. The first amendment addresses situations where all the required replacement trees cannot be accommodated on site. Rather than waiving the replacement of the extra trees the change would require payment of a fee in lieu which would be used by the City to plant trees in parks or other natural areas.*
- 2. The second amendment allows the City to require mitigation when non-regulated trees that were required to be retained are instead deliberately removed.*

~~20.50.360 Tree replacement and site restoration.~~

~~A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area report, mitigation or restoration plans, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.~~

~~B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.~~

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

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

Exception 20.50.360(C):

a. ~~No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.~~

b. ~~To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, the Director may approve the payment of a fee in lieu of replacement at the rate set forth in chapter 3.01 Fee Schedule for each replacement tree that would be required.~~

b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:

i. ~~There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.~~

ii. ~~Strict compliance with the provisions of this Code may jeopardize reasonable use of property.~~

iii. ~~Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.~~

iv. ~~The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.~~

c. ~~The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.~~

d. ~~The Director may not require the rReplacement of significant tree(s) approved for removal pursuant to Exception SMC 20.50.350(B)(5) is not required.~~

4. ~~Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.~~

5. ~~Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.~~

~~6.—Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.~~

~~D.—The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.~~

~~E.—The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.~~

~~F.—Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.~~

~~G.—The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.~~

~~H.—All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.~~

~~I.—Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:~~

~~1.—Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;~~

~~2.—Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and~~

~~3.—Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.~~

~~J.—Significant trees which would otherwise be retained, but which were unlawfully removed, or damaged, or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.~~

~~K. Nonsignificant trees which are required to be retained as a condition of permit approval, but are unlawfully removed, damaged, or destroyed through some fault of the applicant, representatives of the applicant, or the property owner(s), shall be replaced in a manner determined by the Director.~~

~~*Staff recommendation—Staff recommends that these amendments be approved.*~~

20.50.370 – Tree protection standards

Justification – These amendments strengthen tree protection measures for sites under construction. It seeks to avoid the situation where a permit is approved based on retention of existing trees but during construction occurring within the dripline, a tree is so damaged that it will not survive after construction or becomes hazardous.

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

- A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.
- B. Tree dripline areas or critical root zones (tree protection zone) as defined by the International Society of Arboriculture shall be protected. No development, fill, excavation, construction materials, equipment staging, or traffic shall be allowed in the dripline areas of trees that are to be retained.
- C. Prior to any land disturbance, temporary construction fences must be placed around the ~~dripline of trees~~ tree protection zone to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.
- D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. “Tree Protection Area” signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
- E. Where tree protection ~~areas~~zones are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Leave Area – Keep Out” signs.
- F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.
- G. Retain small trees, bushes, and understory plants within the tree protection zone, unless the plant is identified as a regulated noxious weed, a non-regulated noxious weed, or a weed of concern by the King County Noxious Weed Control Board ~~to the maximum extent practicable.~~

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #20**20.50.390(A) – General residential parking standards**

Justification – There are two changes to the section below:

- 1. Changing the term “Apartment” to “Multifamily” to be consistent with the rest of the Development Code.*
- 2. Delete the provisions for EV parking facilities. Staff has proposed a new table with EV parking standards below.*

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
<u>Single-Family detached/townhouse:</u>	2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.
<u>Single-Family attached:</u>	<u>2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones.</u>
<u>Multifamily DwellingApartment:</u>	Ten percent of required spaces in multifamily and residential portions of mixed-use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided.⁴
Studio units:	0.75 per dwelling unit
One-bedroom units:	0.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

⁴~~Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.~~

~~If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.~~

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #21**20.50.390(B) – Special residential parking standards**

Justification – Amendment for consistency with new definition for Assisted Living facilities.

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential care facilities:	1 per 3 patients, plus 1 per FTE employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen <u>Assisted living facilities:</u>	1 per 3 dwelling or sleeping units

Staff recommendation – Staff recommends that these amendments be approved.

Amendment #22**20.50.400 – Reductions to minimum parking requirements**

Justification – Staff recommends updating this section of the Development Code containing the criteria for parking reductions to clarify the requirements and how the different incentives interact. Providing a dedicated car-sharing space is an example of an action that reduces demand for parking spaces: <https://urbanland.uli.org/development-business/developers-reduce-parking-via-car-sharing/>

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:

1. On-street parking along the parcel's street frontage. A high-capacity transit service stop is within one-quarter mile of the development's property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings.

2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. ~~The number of on-site parking stalls requested~~

~~to be reduced must match the number provided in the agreement. A record on title with King County is required.~~

3. Parking management plan according to criteria established by the Director.
4. A City-approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development's property line. The management cost for the RPZ must be paid by the applicant and/or developer property owner on an annual basis.
- ~~5. A high capacity transit service stop within one quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.~~
- ~~65. A pedestrian public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between minimally 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 walkways and plazas and bike facilities.~~
- ~~76. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.~~
- ~~87. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.~~
- ~~98. Replacement of all significant trees removed on a site zoned MUR-70' as follows:~~
 - ~~a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.~~
 - ~~b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.~~
 - ~~c. Minimum Size Requirements for Replacement Trees under This Provision this subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.~~

~~9. AOn-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s) is available and parking spaces are dedicated to that service.~~

~~B. A project applying for Pparking reductions for under the Deep Green Incentive Program projects are set forth in SMC 20.50.630. may be eligible based on the intended certification. Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:~~

- ~~1. Tier 1—Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;~~
- ~~2. Tier 2—Living Building Petal or Emerald Star Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;~~

~~3. Tier 3 – LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ILFI and/or Salmon Safe program criteria.~~

~~4. Tier 4 – PHIUS+ or 4-Star: up to five percent reduction in parking required under SMC 20.50.390 for projects meeting the PHIUS or Built Green program criteria.~~

~~C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing. A request for a parking reduction shall be processed as an Interpretation of the Development Code.~~

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

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may not be combined with parking reductions identified in subsection A of this section.

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

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

Staff recommendation – Approve these changes that clarify how the different types of parking reduction incentives are applied.

Amendment #23

20.50.410 – Parking design standards

Justification – This amendment clarifies that all parking shall be located outside of required setbacks, not just required parking. This also clarifies that driveways with parking within the setback are allowed, whether it is required or additional onsite parking. This better accommodates ADUs and other small single-family additions and garage conversions by clarifying that required parking can be located within the driveway that is within a required setback.

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

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve.

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

I. ~~Required p~~ Parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

Staff recommendation – Staff recommends that these amendments be approved.

20.80 Amendments

Amendment #24

20.80.280(C) – Required Buffer Areas

Justification – This amendment would add clarity to the regulation that the standard buffer applies to both sides of a stream.

C. **Standard Required Stream Buffer Widths.** Buffer widths shall reflect the sensitivity of the stream type, the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the stream area. Stream buffers shall be located on both sides of the stream and measured from the ordinary high-water mark (OHWM) or the top of the bank, if the OHWM cannot be determined. Buffers shall be measured with rounded ends where streams enter or exit piped segments.

1. The following buffers are established for streams based upon the Washington State Department of Natural Resources water typing system and further classification based on anadromous or nonanadromous fish presence for the Type F streams:

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft) <u>Required on both sides of the stream</u>
Type S	150
Type F-anadromous	115
Type F-nonanadromous	75

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft) <u>Required on both sides of the stream</u>
Type Np	65
Type Ns	45
Piped Stream Segments	10

Staff recommendation – Staff recommends that these amendments be approved.

DEVELOPMENT CODE AMENDMENT BATCH 2020 – Policy Amendments

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20.20 – Definitions			
1	20.20.018	Emergency Temporary Shelters	Staff
20.30 – Procedures and Administration			
2	20.30.040	Add Final Formal Plat Type A Table	Staff
3	20.30.060	Add Site-Specific Comprehensive Plan Amendments and Final Formal Plat	Staff
4	20.30.100	Restrict Additional Permit Approval for Parcels with a Code Violation	Staff
5	20.30.110(C)	Extending Permit Expiration	Staff
6	20.30.295	Emergency Temporary Shelters as a TUP	Staff
7	20.30.345	Adds new Procedures for Site-Specific Comprehensive Plan Amendments	Staff
8	20.30.440	Final Formal Plat	Staff
9	20.30.450	Final Formal Plats	Staff
20.50 – General Development Standards			
10	20.50.020(1) and 20.50.020(2)	Exempt schools from hardscape requirement	Private
11	20.50.020(1) and 20.50.020(2)	Reduce setbacks when adjacent to transit facilities	Staff
12	20.50.020(B) and (4)	Density Exceptions	Private
13	20.50.235	New Building Threshold Section	Staff
14	20.50.360	Unlawfully Removed Nonsignificant Trees and Fee In lieu for Replacement Trees	Staff
15	20.50.390(E)	New table for EV Parking Facilities	Staff
20.70 – Engineering and Utilities Development Standards			
16	20.70.340	Add multi-use path requirement	Staff
20.80 – Critical Areas			
17	20.80.220	Rockerries, Retaining Walls Exempted from Landslide Hazard Areas	Staff

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1**20.20.028 – E definitions**

Justification – The proposed amendment adds Emergency Temporary Shelter to SMC 20.20 – Definitions. This amendment is related to Amendment #6 which is the section that regulates Emergency Homeless Shelters. This would allow severe weather shelters to be activated on an intermittent basis, such as when temperatures are predicted to fall below freezing.

**Emergency
Temporary
Shelter**

Emergency Temporary Shelter means a facility, the primary purpose of which is to provide accommodations and may also provide essential services for homeless individuals or families during emergency situations, such as severe weather conditions, for a limited period. This term does not include transitional encampments or homeless shelters.

Staff recommendation – Approve the amendment allowing compassionate shelters in emergency situations.

20.30 Amendments

Amendment #2**20.30.040 – Ministerial decisions – Type A**

Justification – This amendment adds Final Formal Plats to the Type A actions Table. This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action in accordance with RCW 58.17.100 so as to allow administrative review and approval of final formal plats if the preliminary formal plat was reviewed by the Planning Commission, Hearing Examiner, or City Council.

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short <u>or Formal Plat</u>	30 days	20.30.450

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Staff recommendation – Approve this amendment that will streamline the subdivision process. No substantive review is provided at the final plat stage except whether the improvements have been built per the approved plans and if the paperwork is in order.

Amendment #3

20.30.060 – Quasi-judicial decisions – Type C

Justification – There are two amendments to this section.

- 1. The first amendment removes Final Formal Plats from the Type C actions Table. This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action in accordance with RCW 58.17.100 that allows administrative review and approval of final formal plats because the preliminary formal plat was reviewed by Hearing Examiner and approved by the City Council.*
- 2. The second amendment also adds site-specific Comprehensive Plan map amendments to the table. Generally, Comprehensive Plan map amendments are processed as Legislative actions since they can affect large areas of land or are general in nature as to apply citywide. A Site-specific Comprehensive Plan map amendment acts in the same way as a Rezone of Property and Zoning Map Change meaning that the request only applies to one or a small number of parcels and not citywide. These requests should be processed as Type C actions and follow the same procedures as a rezone.*

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

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.320
<u>3. Site-Specific Comprehensive Plan Map Amendment</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE ^{(1), (2)}</u>	<u>City Council</u>		<u>20.30.345</u>
<u>4.3. Special Use Permit (SUP)</u>	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330
<u>5.4. Critical Areas Special Use Permit</u>	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.333
<u>6.5. Critical Areas Reasonable Use Permit</u>	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.502
8. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353
9. Plat Alteration with Public Hearing ⁽⁵⁾	Mail	HE ^{(1), (2)}		120 days	20.30.425

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

- (2) HE = Hearing Examiner.
- (3) Notice of application requirements are specified in SMC 20.30.120.
- (4) Notice of decision requirements are specified in SMC 20.30.150.
- (5) A plat alteration does not require a neighborhood meeting.

Staff recommendation – Approve the streamlining of final plat approvals by changing to an administrative rather than Council process. Approve the creation of a site-specific Comprehensive Plan map change process that can run concurrently with a rezone request.

Amendment #4
20.30.100 Application.

Justification – Unlike many jurisdictions, Shoreline does not have a provision that states it will not accept applications or issue permits following the issuance of a Notice of Violation for a parcel until all outstanding violations are corrected prior to application or when the permit is needed to correct the violations, or the city has entered a compliance plan. Currently, the city cannot stop an applicant from submitting a development application and the city approving the permit even though there is an ongoing and outstanding violation on the parcel. The proposed amendment will restrict an applicant from obtaining development permits until outstanding land use violations are corrected. It is common practice in other jurisdictions in the region to restrict development on a site, or sites, until a violation has been remedied.

A. Who may apply:

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

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

7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

Staff recommendation – Approve this code change linking permit issuance to correction of any outstanding code violations on a site. This provides an additional tool to Code Enforcement in reaching compliance.

Amendment #5

20.30.110 Determination of completeness and requests for additional information.

Justification – This amendment increases the number of extensions of time that may be granted to an applicant for the resubmittal of information requested by the City. 90-days can be too short in some circumstances when responding to multiple issues and questions. The main purpose of this amendment is to help applicants avoid having their permit applications expire which results in wasted resources for the applicant and City.

A. An application shall be determined complete when:

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

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

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

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

Staff recommendation – Approve this amendment that allows for additional flexibility on permit deadlines when justified.

Amendment #6

20.30.295 – Temporary use

Justification – The proposed amendment will allow emergency temporary shelters for those that are homeless and for those shelters to be regulated similarly to Transitional Encampments. The only difference between the two uses is that emergency temporary shelters are located within existing structures and can be located in any zone in the city. Also, emergency temporary shelters are usually established during times of inclement weather and natural disasters. In order to provide shelter to our most vulnerable populations, some requirements of admittance must be waived such as the requirement for valid identification.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and
6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

C. Except for transitional encampments and emergency temporary shelters, a temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year.

D. Additional Criteria for Transitional Encampment and Emergency Temporary Shelters.

1. The site must be owned or leased by either a host or managing agency.
2. The application fee for a temporary use permit (TUP) for a transitional encampment or emergency temporary shelter is waived.
3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.
4. For transitional encampments, ~~t~~The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center. No identification is required for people to utilize an emergency temporary shelter.
5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment or shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; ~~and exclusion of sex offenders.~~ Transitional encampments must also include provisions that, at minimum, prohibit sex offenders. For transitional encampments, ~~T~~the applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure ~~is being~~ will be met and will continue to be updated during the duration of the encampment.
6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.
7. Site Requirements for Transitional Encampments.
 - a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.
 - b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:

- i. Topography changes from adjoining property;
- ii. Visually solid, minimum six-foot height, intervening structures;
- iii. Distance from nearest structure on neighboring property;
- iv. Vegetation that creates a visual screen.

c. The transitional encampment shall be screened. The screening shall meet setbacks except screening or structures that act as screening that are already in existence. The color of the screening shall not be black.

d. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

e. All tents must be made of fire-resistant materials and labeled as such.

f. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.

g. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking.

h. Emergency vehicle access to the site must be maintained at all times.

i. Members of the transitional encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the transitional encampment at all times.

j. Provide adequate sanitary facilities.

8. Emergency temporary shelters may be located within an existing building subject to applicable Building and Fire codes and must obtain a Fire Operational Permit prior to occupancy.

9. For emergency temporary shelters, the applicant shall provide a list of conditions that warrant opening the shelter.

10. 8. Transitional encampments and emergency temporary shelters ~~The encampment~~ shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

11. 9. Transitional encampments and emergency temporary shelters ~~The encampment~~ shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy.

12. 40. Transitional encampments and emergency temporary shelters ~~Encampments~~ may be allowed to stay under the temporary use permit for up to 90 days. A TUP extension may be granted for a total of 180 days on sites where hosts or agencies in

good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City but does not require an additional neighborhood meeting or additional application materials or fees.

13. 44. Host or managing agencies may not host a transitional encampment or temporary emergency shelter on the same site within 180 days of the expiration date of the TUP for a transitional encampment or temporary emergency shelter.

14. 42. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance.

Staff recommendation – Approve the amendment allowing compassionate shelters to be established in emergency situations.

Amendment #7

20.30.345 – Site-specific comprehensive plan land use map amendment

Justification – The City has historically processed site-specific Comprehensive Plan map amendments and concurrent rezones as Type-L Legislative Decisions. Practically, these decisions are more like rezones since the combined Comprehensive Plan map amendment and rezone only apply to one or two properties and not large areas of land like those lands covered under an area-wide rezone such as a Subarea Plan. Treating site-specific Comprehensive Plan map amendments as quasi-judicial decisions will allow the neighborhood impacted the greatest to be informed by direct mail, newspaper, and signs on the property to allow greater public involvement by the neighbors most affected.

20.30.345 Site-Specific Land Use Map Amendment to the Comprehensive Plan (quasi-judicial action).

A. Purpose. Site-specific Comprehensive Plan map amendments are a mechanism by which the City Council may modify the land use map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to implement a concurrent site-specific rezone in response to changing circumstances of needs of the City. The purpose of this section is to establish such a procedure for amending the City’s Comprehensive Plan land use map in conjunction with a rezone.

B. Decision Criteria. The Hearing Examiner may recommend, and the City Council may approve, or approve with modifications, an amendment to the Comprehensive Plan Land Use Map if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; and
2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; and

3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare; and
4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan goals and policies; and
5. The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
6. The amendment has merit and value for the community.

C. Amendment Procedures.

1. A proposed site-specific comprehensive plan land use map amendment shall be incorporated in the City's annual docket established and processed pursuant to SMC 20.30.340(C), including deadline for submittal, application requirements, and docket review process, EXCEPT as modified in this subsection.

2. Site Specific Land Use Map Amendment Review.

a. The Department shall provide notice of the application and docketing decision for a proposed land use map amendment as provided in SMC Table 20.30.060. The environmental review of an amendment seeking a site-specific land use map amendment shall be the responsibility of the applicant.

b. Once the final annual docket has been established by the City Council, an open record public hearing before the Hearing Examiner shall be held on the proposed map amendment. Notice of this hearing shall be as provided in SMC 20.30.180 and clearly state that this proposed amendment is related to a concurrent site-specific rezone. The Hearing Examiner shall make a recommendation on the amendment and transmit that recommendation to the City Council.

c. The Hearing Examiner's recommendation shall be consolidated with the Planning Commission's recommendations on other docketed amendments and transmitted to the City Council for concurrent review of the proposed amendment consistent with the criteria set forth in subsection B of this section and taking into consideration the recommendations of the Hearing Examiner and the Department. The City Council may deny, approve, or modify the Hearing Examiner's recommendation.

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

Staff recommendation – Approve the creation of a site-specific Comprehensive Plan map change process that can run concurrently with a rezone request.

Amendment #8**20.30.440 – Installation of improvements**

Justification – This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action to a Type A administrative action in accordance with RCW 58.17.100 which allows administrative review and approval of final formal plats since the preliminary formal plat was reviewed by the Hearing Examiner and approved by the City Council. Since Final Formal Plats will be approved by the Director and not the City Council, the installation of improvements related to a Final Formal Plat shall also be submitted and approved by the Director.

A. Timing and Inspection Fee. The applicant shall not begin installation of improvements until the Director has approved and issued the site development and right-of-way permits and the Director and the applicant have agreed in writing on a time schedule for installation of the improvements.

B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted to the Director for ~~City Council~~ approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

C. Acceptance – Maintenance Bond. The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

Staff recommendation – Approve this change for consistency with the earlier amendments to streamline final plat approvals by changing to an administrative rather than Council process.

Amendment #9**20.30.450 – Final plat review procedures**

Justification – This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action to a Type A administrative action in accordance with RCW 58.17.100 which allows administrative review and approval of final formal plats since the preliminary formal plat was reviewed by the Hearing Examiner and approved by the City Council. The amendment also strikes the requirement for the applicant to submit mylar copies of the plat to staff. King County records does not require plat documents to be printed on mylar for recording. Paper is acceptable to them if it meets the formatting requirements. This is also consistent with state recording requirements under WAC 332-130-050, which allows documents printed on “standard material” (paper) to be recorded if deemed acceptable by the County. Further, King County is the primary jurisdiction responsible for storing records of properties; Shoreline is not obligated to store these files. It is useful for staff to have these files easily accessible for staff and customers. Mylar is advantageous in that it does not deteriorate as quickly as paper. However, digital files do not deteriorate at all, and are available from King County almost immediately after a document has been recorded (though the PDF copies are marked as “unofficial”). Eliminating

the requirement for mylars would streamline the final plat and lot line adjustment processes. Staff would no longer need to prepare the mylars for storage after recording, and customers would no longer need to run copies back-and-forth between City Hall and the Recorder's Office.

Time limit: A final short plat or final formal plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

A. Submission. The applicant may not file the final plat for review until the work required for the site development and right-of-way permits is completed and passed final inspection or bonded per the requirements of SMC 20.30.440.

B. Final Short Plat. The Director shall conduct an administrative review of a proposed final short plat. Only when the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of Chapter 58.17 RCW, other applicable State laws, and SMC Title 20 which were in effect at the time when the preliminary short plat application was deemed complete, the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat.

C. Final Formal Plat. After an administrative review by the Director and a finding, ~~the final formal plat shall be presented to the City Council. Only when the City Council finds~~ that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of Chapter 58.17 RCW, other applicable State laws, and SMC Title 20 which were in effect at the time when the preliminary plat application was deemed complete, the Director ~~City Manager~~ shall sign on the face of the plat signifying the City's ~~Council~~ approval of the final plat.

D. Acceptance of Dedication. ~~City Council's approval of a final formal plat or~~ The Director's approval of a final short plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for Record. The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. ~~One reproduced full copy on mylar and/or sepia material shall be furnished to the Department. Upon recording, the applicant shall provide a copy of the recorded plat to the Department.~~

Staff recommendation – Approve the streamlining of final plat approvals by changing to an administrative rather than Council process.

20.50 Amendments

Amendment #10

20.50.020 Dimensional requirements.

Justification – This amendment exempts schools from hardscape requirements. Schools in Shoreline are primarily developed on land zoned R-6 which is intended for single-family

residential uses. As such, the building coverage and hardscape requirements are low when building elementary, middle, and high schools in the R-6 zone. New or redeveloped schools are limited to 35% building coverage and 50% total hardscape. In addition, schools have been exchanging grass playfields for artificial turf fields which allow more opportunities for recreation on a year-round basis, something the city needs for schools and league sports. Because turf is calculated toward total hardscape, many times, the school cannot make improvements and meet the City's hardscape requirements. This amendment will allow the schools to provide all the necessary elements of a school (parking, circulation, sport courts, turf fields, and pathways) while also complying with the City's strict stormwater codes.

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)	35 ft (16)

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
							(8) (16)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)(19)	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' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line and unit lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.
- (3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.
- (8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.
- (9) Base height for 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.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (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) Public and Private Kindergarten through grade 12 schools are exempt from hardscape requirements.

Staff recommendation – Approve this amendment which recognizes the difference in development intensity between single family houses and school facilities.

Amendment #11

20.50.020 Dimensional requirements.

Justification – This amendment will allow the reduction of side and rear setbacks in the MUR-70' zone when new development is adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots or transit access facilities. The amendment will mostly apply to parcels that are abutting Sound Transit owned stations and facilities. In one case, a developer wants to develop multifamily buildings on a site adjacent to a future light rail station. The design of the building will allow access to the Sound Transit station at 145th Street. Since the subject property line is considered the rear of the building, the Development Code calls for a 5-foot setback. Staff recommends this requirement should be amended if the site and building design of a new project increases access and walkability to a station or other mass-transit facility.

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

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

(1) Repealed by Ord. 462.

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

- (3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.
- (8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.
- (9) Base height for 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.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (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.

(20) Setback may be reduced to 0-feet when adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.

Staff recommendation – Approve this amendment that would allow additional site design flexibility for transit-oriented development.

Amendment #12

20.50.020(B) and (4) – Adding Bonus Density Exception

Justification – This is a privately-initiated amendment that seeks to add an additional separate living unit (Not an ADU) on parcels zoned R-4 through R-48 if certain conditions are met. The intent of the amendment is to add density to larger single-family lots if the second dwelling is smaller and less intrusive to the neighborhood. The amendment will also allow parking reductions if within a ½ mile from light rail stations or electric vehicle charging facilities are installed.

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

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1) **and density bonus exception SMC 20.50.020(B)(4).**
2. Fractions below 0.50 shall be rounded down.

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

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

Example #3 – R-6 zone, 13,999-square-foot site: $(13,999/43,560 = .3214$ acres) so $.3214 \times 6 = 1.92$. The base density for single-family detached dwellings on this site would be one unit (**See Exception SMC 20.50.020(B)(4).**)

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

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

4. Base Density Bonus

A. Purpose. The purpose of the section is to establish an incentive program which encourages development that provides affordable housing as single family detached dwellings on the same tax parcel that will be granted the following incentives.

1. Parking reduction of 50 percent for developments within one-half mile of light rail stations.

2. Parking reduction of 50 percent for developments outside one-half mile of light rail stations if level 2 electric vehicle charging stations are installed per each new single-story detached dwelling unit.

B. Project Qualifications. Base density bonus allows a second detached single-family dwelling unit on the same minimum lot size of 10,000 square feet or greater if the following conditions are met within R-4, R-6, R-8, R-12 and R-48 zoning.

1. Only single-story dwelling units are allowed.

2. The building height shall be limited to 15 feet to the top of plate with a 5-foot height bonus for roofs pitched a minimum of 4:12 for a total height of 20-feet.

3. The base density for the zone for this density bonus designation may exceed zoning density maximum in order to request a density bonus.

4. Minimum lot size of 10,000 square feet is required in all zones to request a density bonus.

5. Two parking spaces are required for each single-family home.

6. Lot sizes smaller than 14,400 square feet may not be subdivided yet dwelling may be segregated using Washington Uniform Common Interest Ownership Act (WUCIOA).

Exception: Parking and/or other nonliving space structures below detached single-story dwelling units would be allowed for steep slope properties where development is terracing sloped lands.

Staff recommendation – This is a policy decision for the Commission to consider and the Council to consider adding to the PCD work plan. The City is currently developing a Housing Action Plan and staff recommends that this proposed amendment be considered as one of the options in the Housing Toolkit. This would let it be analyzed in context with the other policy options being proposed to meet the City's housing needs.

The Comprehensive Plan contains goals and policies supporting the amendment and contains goals and policies that conflict with the amendment (emphasis added with bolded text). Staff will provide analysis under each goal or policy. Some policies that encourage the amendment include:

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

Allowing an additional single-story dwelling on lots greater than 10,000 square feet in the R-4 and R-6 zones will create more variety of housing in our residential neighborhoods, but the City already allows Accessory Dwelling Units. The difference between the two is the applicant's proposal will allow two separate units to be built without the restriction of being owner-occupied. Both units can be segregated and sold or rented separately.

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

The applicant's proposal will accommodate additional growth in the City's residential neighborhoods. The City recently completed the 2020 Urban Land Capacity Study where the City must show capacity to accommodate growth over the next 20 years. This report shows the City can support increased population over the next 20 years and beyond with or without the applicant's proposal.

*LU5: **Review and update infill standards** and procedures that promote quality development and consider the existing neighborhood.*

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

This proposal does consider the existing neighborhood by limiting the height of any new structure being built under the proposed regulations. The City's Accessory Dwelling Regulations allow an ADU to be built up to the height of the zone which is 35 feet. This amendment will restrict a second structure to be limited to 20 feet. Since the amendment limits the height of a second single family home, the design and scale will be less intrusive to the neighborhood.

Some policies that discourage the amendment include:

*LU1: The Low-Density Residential land use designation allows single-family detached dwelling units. Other dwelling types, such as duplexes, single-family attached, cottage housing, and accessory dwellings may be allowed under certain conditions. **The permitted base density for this designation may not exceed 6 dwelling units per acre.***

This amendment will allow increased density in the single-family zones and will exceed the permitted base density of 6 units per acre.

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

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

The proposed amendment does not provide a mix of housing choice or increase housing choice. The amendment is asking to build a **second** single-family home on a parcel. The only difference is the single-family home is limited in height.

H8: Explore a variety and combination of incentives to encourage market rate and non-profit developers to build more units with deeper levels of affordability.

The proposed amendment will allow more single-family dwellings to be built in the City's residential neighborhoods. The City does not require these units be affordable to any segment of the population. That is to say, the new homes can be sold or rented for whatever the market can get. The homes will be smaller and limited in height which may limit the cost of the structure but that is not a City requirement and ultimately, the market will dictate the cost of these units.

If the Commission is interested in supporting this amendment, staff needs direction on other sections of the Development Code:

- The Development Code allows Accessory Dwelling Units as an accessory use to the primary residential use. If this amendment goes forward, will the City allow an addition ADU with each new unit built under these proposed provisions?
- Building coverage and hardscape are regulated in SMC 20.50.020(1). Are the proposed structures built under these provisions required to comply with these standards? For example, the R-6 zone allows 35% building coverage and 50% total hardscape. Should staff amend these standards to allow greater building coverage and hardscape?
- Should the City allow a parking reduction if the proposed development is within one-half mile of a high-capacity transit facility? The current code allows parking reductions for multifamily buildings within one-quarter mile from a high-capacity transit station.

Amendment #13

20.50.235 – Threshold – Required building design (New Section).

Justification – This is a new proposed section. Currently, there is no threshold to require building design improvements when a structure is being remodeled or rebuilt. This issue has come up as properties have been redeveloping in the Station Subareas.

20.50.235 Threshold – Required building design.

The purpose of this section is to establish thresholds for the application of building design standards set forth in this chapter to development proposals in commercial and mixed-use residential zones.

- A. Building design standards apply to development in the NB, CB, MB, TC-1, 2 and 3, MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Building design shall be required:
 1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the

parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

2. When aggregate building construction valuations for issued permits, within any consecutive five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.

Staff recommendation – Approve this amendment to bring existing structures into compliance with the commercial design goals at the time the property owner chooses to reinvest in a building.

Amendment #14

Exception 20.50.360 – Tree replacement and site restoration

Justification – There are two amendments to this section.

1. *The first amendment proposed by staff has been partially withdrawn by the Director to allow for additional study. The concepts that need more study relate to understanding the impact of deleting the criteria for a reduction in the number of replacement trees and only allowing a reduction in the number of replacement trees if the fee in lieu is paid for each tree. The main purpose of further study is to determine if the criteria are still needed to allow a project to reduce the required number of replacement trees; and would only allowing reduction in the number of replacement trees be an equitable solution to this issue.*

The Director has amended the staff proposal to include the ability to allow the use of the established fee in lieu currently set at \$2,611 per tree when a project meets the criteria in Exception 20.50.360(C)(b). The payment of a fee in lieu would be used by the City to plant trees in parks or other natural areas.

2. *The second amendment allows the City to require mitigation when non-regulated trees that were required to be retained are instead deliberately removed.*

20.50.360 Tree replacement and site restoration.

A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area report, mitigation or restoration plans, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

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

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

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

b. The Director may allow a reduction in the minimum replacement trees required or the payment of a fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule ~~off-site planting of replacement trees~~ if all of the following criteria are satisfied:

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

c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.

d. ~~The Director may not require the r~~Replacement of significant tree(s) approved for removal pursuant to Exception SMC 20.50.350(B)(5) is not required.

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height.

Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.

D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.

G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

J. Significant trees which would otherwise be retained, but which were unlawfully removed, or damaged, or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

K. Nonsignificant trees which are required to be retained as a condition of permit approval, but are unlawfully removed, damaged, or destroyed through some fault of the applicant, representatives of the applicant, or the property owner(s), shall be replaced in a manner determined by the Director.

Staff recommendation – Approve these changes that will allow for off-site tree planting when justified and provide a replacement mechanism for trees that are damaged or removed during construction.

Amendment #15

20.50.390(E) – Electric vehicle parking standards

Justification – This proposed amendment deletes the electric vehicle requirements from 20.50.390(A) and creates a new table in 20.50.390(E). The City of Seattle has recently adopted amendments that require electric vehicle parking standards in all areas of the city that require off-street parking. Currently, the City of Shoreline requires electric vehicle infrastructure be provided for multifamily dwelling units only. This proposed amendment will require EV facilities in all types of residential development. This amendment will require close coordination with single-family residential permit reviewers since all new single-family homes will require an EV ready parking space.

Table 20.50.390E – Electric Vehicle (EV) Charging Infrastructure Parking Standards

<u>RESIDENTIAL USE</u>	<u>MINIMUM EV SPACES REQUIRED</u>
<u>Single-Family Detached/Single-Family Attached:</u>	<u>An EV-ready space for each private garage or private parking area provided for a dwelling unit</u>
<u>Multifamily Dwelling:</u>	<u>A minimum of 20 percent of EV-ready spaces in shared parking garages or shared parking spaces</u>
<u>Nonresidential:</u>	<u>A minimum of 10 percent EV-ready spaces of the required parking spaces.</u>

1. An EV-ready space is a space that provides a complete electric circuit with 208/240 volt, 40-ampere capacity charging receptable outlet or termination point, including electrical service capacity.
2. For multifamily and non-residential uses, one accessible parking space shall be an EV-ready space.
3. If the formula for determining the number of EV-ready spaces results in a fraction, the number of required spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Staff recommendation – Approve this amendment that will lower barriers to use of cleaner electrically powered cars.

Amendment #16**20.70.340 Sidewalks, walkways, paths and trails.**

Justification – Letter E provides a mechanism to require midblock pedestrian connections through large blocks. This would most likely be implemented in the MUR zones, primarily near the station areas where there are larger aggregations of property. The midblock connections could be similar to alley ways and will create a more walkable neighborhood and break up some of the City’s superblocks.

A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.

B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City’s planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.

C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.

D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

E. On development projects that front onto two parallel public rights-of-ways where the nearest public connection between the parallel rights-of-way is at least 250 linear feet from any point of the development, a paved shared-use path shall be required within a public easement to connect the parallel rights-of-way. The shared-use path may also function as an alley way for limited vehicular access.

Staff recommendation – Approve this new requirement to create more direct pedestrian routes and improve connectivity.

20.80 Amendments

Amendment #17**20.80.220 Geological hazard - Classification**

Justification – This proposed amendment will exempt existing, previously permitted stabilization measures, such as rockeries and retaining walls that have been designed and approved by an engineer as having been built according to the engineered design. Existing retaining walls are currently mapped as either moderate to high-risk or very-high risk landslide hazard areas. Therefore, anytime someone proposes any site work such as a small house addition it requires a comprehensive critical area review to classify the hazard, provide recommended buffers and setbacks and provide recommended mitigation measures. This critical area geotechnical report

is in addition to the one already required with the building permit to address loads adjacent to the wall.

Examples of other jurisdiction's code provisions:

City of Redmond

RMC 21.64.010(D)(1)(c)

(c) Activities occurring in areas of 40 percent slope or greater with a vertical elevation change of up to 10 feet based upon City review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no significant adverse impact will result from the exemption. In addition, the construction of a single-family dwelling unit in man-made steep slopes which were created as part of an approved legal grading activity shall be exempt provided the applicant submits documentation from a qualified professional that the slope was man-made and there will be no resulting significant adverse impacts. This latter exemption applies to one stand-alone single-family residence and is not to be construed to apply to a series of proposed dwellings as part of a subdivision or short plat application;

City of Issaquah

IMC 18.10.580(E)

(E) Limited Exemptions:

1. Slopes forty (40) percent and steeper with a vertical elevation change of up to twenty (20) feet may be exempted from the provisions of this section (through Level 1 Review or through the appropriate land use permitting process), based on the City review and acceptance of a soils report prepared by a geologist or licensed geotechnical engineer when no adverse impact will result from the exemption.
2. Any slope which has been created through previous, legal grading activities may be regarded as part of an approved development proposal. Any slope which remains equal to or in excess of forty (40) percent following site development shall be subject to the protection mechanisms for steep slopes.

City of Edmonds

EMC 23.80.020(B)(4) and (8)

Within City of Edmonds potential landslide hazard areas include:

- (4) Any slope of 40 percent or steeper that exceeds a vertical height of 10 feet over a 25-foot horizontal run. Except for rockeries that have been engineered and approved by the engineer as having been built according to the engineered design, all other modified slopes (including slopes where there are breaks in slopes) meeting overall average steepness and height criteria should be considered potential landslide hazard areas);
- (8) Any slopes that have been modified by past development activity that still meet the slope criteria

City of Kenmore

KMC 18.55.650(C)

Slopes Created by Previous Grading. Artificial slopes meeting the criteria of a landslide hazard area based on slope steepness and height that were created through previous permitted grading or are legally nonconforming may be further altered or graded, provided the applicant provides information from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created. Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are considered to be landslide hazard areas.

City of Sammamish

SMC 21A.50.260(6)

The following are exempt from the provisions of this section:

- (a) Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of and concurrence with a soils report prepared by a licensed geologist or geotechnical engineer; and
- (b) The approved regrading of any slope that was created through previous legal grading activities.

Note: Proposed Amendment to Shoreline's Development Code starts here.

SMC 20.80.220 Geological hazard - Classification

Geologic hazard areas shall be classified according to the criteria in this section as follows:

A. **Landslide Hazard Areas.** Landslide hazard areas are those areas potentially subject to landslide activity based on a combination of geologic, topographic and hydrogeologic factors as classified in subsection B of this section with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet or all areas of prior landslide activity regardless of slope. A slope is delineated by establishing its toe and top and measuring the inclination over 10 feet of vertical relief (see Figure 20.80.220(A)). The edges of the geologic hazard are identified where the characteristics of the slope cross-section change from one landslide hazard classification to another, or no longer meet any classification. Additionally:

1. The toe of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes above that are 15 percent or steeper when measured over 10 feet of vertical relief; and
2. The top of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes below that are 15 percent or steeper when measured over 10 feet of vertical relief.

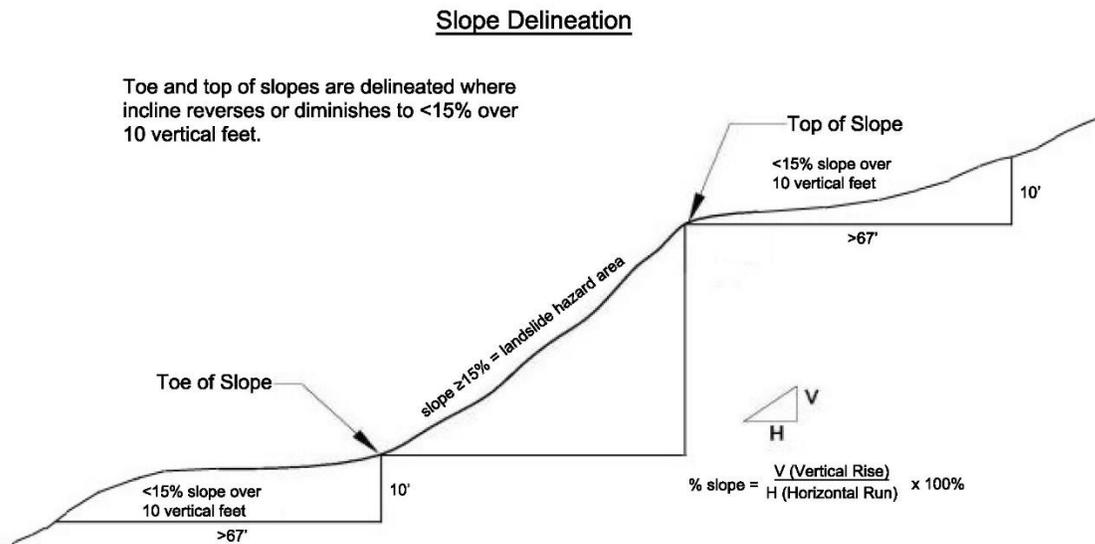


Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.

B. Landslide Hazard Area Classification. Landslide hazard areas are classified as follows:

1. Moderate to High Risk.

- a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high-risk areas in subsection (B)(2) of this section;
- b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high-risk areas in subsection (B)(2) of this section; or
- c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.

2. Very High Risk.

- a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);
- b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or

- c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.

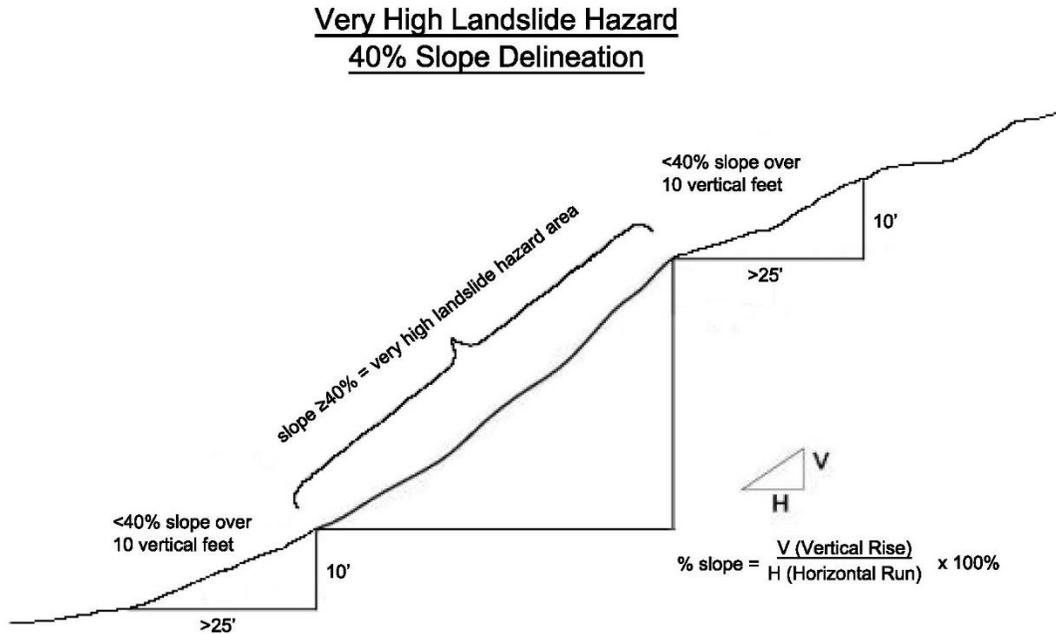


Figure 20.80.220(B): Illustration of very high-risk landslide hazard area delineation (no midslope bench).

C. **Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to risk of ground shaking, lateral spreading, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) or peat deposits and have a shallow ground water table. These areas are designated as having “high” and “moderate to high” risk of liquefaction as mapped on the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County by the Washington State Department of Natural Areas.

D. **Erosion Hazard Areas.** Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) as having “severe” or “very severe” erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).

E. Slopes Created by Previous Grading. Artificial slopes meeting the criteria of a landslide hazard area based on slope steepness and height that were created through previous permitted grading shall be exempt from the provisions of this subchapter 2, provided the applicant submits documentation from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created. Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are landslide hazard areas.

F. Slope Modified by Stabilization Measures. Previously permitted slopes modified by stabilization measures, such as rockeries and retaining walls, that have been engineered and approved by the engineer as having been built according to the engineered design shall be exempt from the provisions of subchapter 2 based on the opinion of a qualified professional. If the rockery or wall(s) are determined to be inadequate by a qualified professional, a permit for new or rebuilt rockery or wall(s) shall be submitted and reviewed by the Department for code compliance.

Staff recommendation – Approve this amendment to an appropriate level of review for existing, stable slopes that have been previously engineered.