

MODEL CODE PARTNERSHIP PROJECT

GAP ANALYSIS

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EXECUTIVE SUMMARY

The Gap Analysis is the second major component of the Model Code Partnership. The Model Code Partnership will evaluate how local policies and regulations may impact the design, permitting, and construction of facilities for the Everett Link Extension Project. The Gap Analysis policies and existing regulations as well as potential permitting conflicts between Sound Transit facilities and local regulations in Lynnwood, Snohomish County and Everett. This analysis will be used as a basis for further stages of the Model Code Partnership including case studies of peer jurisdictions and model code development.

The following are highlights of some of the broad gaps identified in this analysis. The Gap Analysis revealed parallel gaps in policy areas between Lynnwood, Everett, and Snohomish County.

Development Density

Though the jurisdictions differ in how they regulate density of new development, all three could allow for greater density in development regulations and align their incentives to encourage desirable development:

- Though some TOD areas allow for more vertical development, other code requirements such as parking and open space minimums reduce the actual amount of development that can occur (See pages 52 and 55 for more details).
- Snohomish County and Everett both permit or incentivize building height in TOD areas that necessitate steel frame construction but are too low for steel construction to be financially viable. These height maximums could be adjusted to allow for dense and economical construction (e.g. wood frame over concrete podium) (See pages 51 and 55 for more details).
- Encouraging more intense development through minimum density requirements would help discourage new auto-oriented development. While all three jurisdictions do have minimum density requirements in place, these could be expanded in scope and include higher minimum densities and/or heights (See pages 51, 52, and 55, 51 for more details).

Development Incentives

Height and floor area incentives across the jurisdictions have mixed effectiveness and utility:

- Much of the area around West Alderwood has no height or FAR restrictions, making density bonuses in exchange for community benefits ineffective (See page 28 for more details).
- Many of Snohomish County's and Everett's incentives may be ineffective such as Everett's flat in-lieu fee that can be applied to the density bonuses for public art or affordable housing, but is too low to effectively fund these benefits (See pages 67, 68, 69, and 71 for more details).

Streets and Sidewalks

Existing sidewalk requirements may be insufficient for urban densities, but Everett's code provides a good model that can be expanded and tailored to Lynnwood and Snohomish County:

- Everett has street designations that work together with sidewalk standards, requiring greater width on designated streets with established furniture, frontage and clear zones. The defined spaces in the sidewalk area, with substantial pedestrian areas on targeted streets could help both Lynnwood and Snohomish County create a more pedestrian-friendly environment around transit (See page 56 for more details).
- These standards could also be expanded within Everett to include more streets along and near high-capacity transit corridors.
- Only Snohomish County requires the construction of bicycle facilities in code, but their design standards do not include plans for protected or separated bike facilities (See page 62 for more details).

Placemaking and Site Design

Currently, the jurisdictions do not have effective site design standards or guidelines for denser development in TOD areas, which presents an opportunity to create a more connected grid of streets and a more distinct sense of place:

- Site design standards could require developments to incorporate natural features and topography into design and, combined with public placemaking efforts, can help create unique and memorable neighborhoods.
- Site design standards and/or guidelines can also encourage or require developers to break up large blocks into separate structures with pedestrian connections in between them, shortening pedestrian trips and providing more walkable urban development areas around stations.

Equitable Development

The jurisdictions can also take measures to protect tenants and encourage construction of more affordable housing:

- None of the jurisdictions have displacement protections for tenants such as relocation assistance or business stabilization in place.
- The 12-year Multi-family Tax Exemption, which provides a tax incentive for affordable housing, could also be expanded in Lynnwood, where it is only available in City Center, and Snohomish County is exploring whether it can create its own MFTE program.

Green Building

Snohomish County could adopt green building standards and incentives, and the jurisdictions could consider what green building standards will best meet their goals and how best to integrate them into development regulations:

- Snohomish County could adopt green building standards and incentives and Lynnwood could expand green building incentives and/or requirements outside of City Center.
- All three jurisdictions could consider what green building standards will best meet their goals (energy conservation or holistic program that includes site/stormwater and materials) and how best to integrate them into code.

Permitting Challenges

There are permitting challenges across all three jurisdictions that could be addressed to make the permitting and construction process of the EVLE Project more streamlined and predictable:

- Everett does not have an established process for siting essential public facilities (See page 73 for further discussion).
- None of the three jurisdictions have an established process for public agency and utilities exceptions for critical areas permitting (See page 72 for more details).

ACRONYMS

AMI	Area Median Income
ADA	Americans with Disabilities Act
EDDS	Engineering Design and Development Standards (Snohomish County)
EIS	Environmental Impact Statement
EMC	Everett Municipal Code (including Unified Development Code)
B	Business
LI1	Light Industrial 1 Zone
MU	Mixed Urban Zone
UR3	Urban Residential 3 Zone
UR4	Urban Residential 4 Zone
EVLE	Everett Link Extension
FAR	Floor Area Ratio
GFA	Gross Floor Area
GMA	Washington State Growth Management Act
IBC	International Building Code
LEED	Leadership in Energy and Environmental Design
LEED ND	LEED for Neighborhood Development
LID	Low Impact Development
LMC	Lynnwood Municipal Code
ACC	Alderwood City Center Transition Area
CC	City Center Zones
CC-C	City Center Core Zone
CG	General Commercial Zone
CR	Commercial-Residential Zone

	NB	Neighborhood Business Zone
	PCD	Planned Commercial Development Zone
	PRC	Planned Regional Shopping Center Zone
	RMH	Multiple Family High Density Zone
	RMM	Multiple Family Medium Density Zone
MFTE		Multi-Family Tax Exemption
MCP		Model Code Partnership
OMF		Operations and Maintenance Facility
TOD		Transit Oriented Development
TDR		Transfer of Development Rights
RCW		Revised Code of Washington
SEPA		State Environmental Policy Act
SCC		Snohomish County Code (including Unified Development Code)
	GC	General Commercial Zone
	MR	Multiple Residential Zone
	NB	Neighborhood Business Zone
	UC	Urban Center Zone
ST3		Sound Transit 3 Plan
TDM		Transportation Demand Management

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INTRODUCTION

MODEL CODE PARTNERSHIP

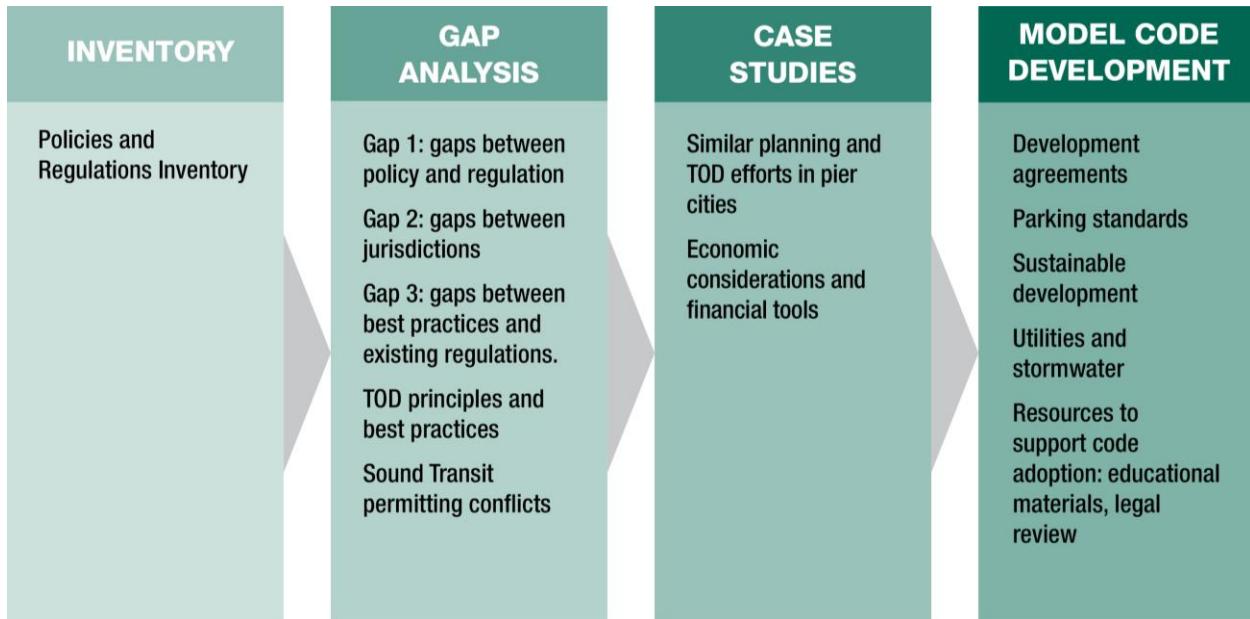
The Everett Link Extension (EVLE) and Operations and Maintenance Facility (OMF) North Project were included in the *Sound Transit 3* (ST3) Plan approved by voters in 2016. The EVLE Project would provide fast, reliable light rail service to regional residential and job centers in Snohomish County’s growing urban areas. The project includes OMF North, a light rail operations and maintenance facility needed to accommodate additional fleet capacity.

The ST3 Representative Project would operate on a 16-mile elevated and at-grade guideway and would add six stations to the light rail network along with one provisional (unfunded) station in the City of Lynnwood, unincorporated Snohomish County, and the City of Everett. The ST3 Representative Project would extend Link service north from Lynnwood City Center to West Alderwood, Ash Way, Mariner, Southwest Everett Industrial Center, SR 526/Evergreen and Everett Station, with one provisional station at SR 99/Airport Road. The ST3 Representative Project would also include parking facilities at two locations on the corridor — 550 parking spaces for transit riders at Mariner Park-and-Ride lot, and 1,000 additional parking spaces available for use by transit riders at Everett Station.

The EVLE Project, which is currently in the early stages of the Planning phase, will include a unique component intended to implement consistent best practices along the corridor and streamline permitting in later stages of the project. This Model Code Partnership (MCP) will be funded primarily by a \$2M grant from the FTA TOD Pilot Program. Sound Transit is working with the three partner jurisdictions along the corridor, the cities of Lynnwood and Everett and Snohomish County, and the Puget Sound Regional Council to analyze the existing regulatory environment and develop potential code language to be considered for local adoption by 2024.

This collaborative effort will evaluate how local policies and regulations may impact the design, permitting and construction of light rail facilities but also incorporate considerations for the broader station areas. This includes regulatory language to facilitate TOD, multimodal transportation, economic development, infrastructure improvements, public/private partnerships, green building, affordable housing, and other topics supported by the jurisdictions and encouraged by the FTA.

The MCP consists of four major components: policy and regulations inventory, gap analysis, case studies, and model code development. The policy and regulations inventory catalogs existing language from guiding documents for each of the three jurisdictions. The gap analysis identifies potential gaps and/or conflicts between policies and regulations within each jurisdiction, between jurisdictions, and between existing and best practices. Case studies will focus on exemplary planning and TOD efforts in peer cities, and model code development will provide options for policies and regulations that could close local gaps and implement best practices along the full EVLE corridor. The partnership will culminate in local adoption of policies and regulations, customized for each of the jurisdictions.



The Gap Analysis identifies potential gaps and/or conflicts in local policies, codes, and permitting processes for the City of Everett, City of Lynnwood and Snohomish County that could be addressed through MCP efforts. This document analyzes three potential gaps in the code of the three jurisdictions:

1. Identify policies in each of the three jurisdictions that have not been implemented by regulatory or administrative measures and could potentially affect EVLE permitting or development near EVLE stations (See page 11 for Gap 1).
2. Identify policies, regulations or administrative procedures that are significantly different between the three jurisdictions that could create difficulties for EVLE permitting or development within station areas (See page 38 for Gap 2).
3. Identify Transit Oriented Development Principles for consideration by the MCP to define best practices for the purposes of this Gap Analysis (See page 46 for TOD Principles and Gap 3).

In addition, the Gap Analysis identifies potential permitting conflicts and challenges for siting and building light rail facilities in the three jurisdictions. Light rail is a unique project that many local codes were not designed to accommodate leading to confusion or lack of clarity in how regulations apply. These potential challenges were identified by Sound Transit staff based on experience permitting and constructing Sound Transit facilities in the past. By identifying these potential problems early, the Sound Transit and local jurisdictions can agree beforehand on how to adapt local regulations to light rail facilities either through code changes or incorporation into a development agreement. This ensures both that local jurisdictions requirements are fully met and that Sound Transit can deliver projects effectively.

The Model Code Partnership goals includes:

- Encourage consistency and best practices throughout the Everett Link Extension corridor.

- Streamline permitting and increase predictability for all partners.
- Consider regulations and permitting processes early to identify barriers and potential solutions for joint development.
- Facilitate safe, efficient multimodal access in station areas.
- Explore zoning and land use tools for sustainable mixed-use centers in station areas, with an emphasis on affordable housing outcomes.
- Examine potential model code language through a lens of equity and how policies and regulations may be implemented.
- Utilize equitable and inclusive engagement strategies and toolkits.

GAP ANALYSIS

GAP 1: GAPS BETWEEN POLICY AND REGULATION

This section addresses the gaps between policies articulated in planning documents from Lynnwood, Snohomish County and Everett, and implementing regulations in each of the three partner jurisdictions.

The gaps identified in this section represent stated policies for growth and development that are not or only partially addressed in local regulation, or where existing regulations pose barriers to implementation of stated policy goals. Gap 1 of this analysis is organized by policy document for each jurisdiction and related policies from that document where there appears to be a gap between policy and implementation.

Everett

Everett Comprehensive Plan

COMPACT GROWTH COMPREHENSIVE PLAN POLICIES

POLICY 2.1.4 *Promote high-density residential use in well designed, mixed-use commercial developments in and around the downtown, near transportation facilities, and other appropriate locations where a mix of uses will promote a more efficient use of land and support of transportation facilities, compatible with surrounding neighborhoods.*

POLICY 4.4.2 *Promote high density housing in the downtown, areas around the downtown, and in commercially zoned areas, in transit station areas and transit corridors, to enable people to live near employment and commercial services.*

POLICY 10.10 *Expand planning efforts to encourage higher density transit-oriented mixed-use, mixed-income neighborhoods that are attractive, well designed, enable people to move without reliance on automobiles, and contain a variety of recreation, commercial and service opportunities.*

REGULATIONS SUMMARY

Mixed-use is permitted in the Everett station area in MU and LI1 zones in 19.05 of the Everett Municipal Code, with limited ground floor nonresidential uses in UR4 on residential mixed use or TOD streets. Permitted heights in the Everett station area are primarily 12-25, 7-11, or 5-8 stories. Everett also has parking exceptions and reductions for the two parking zones in the Metro Everett subarea. Heights along Evergreen Way are 7-11 stories and 4-6 stories in nearby multi-family areas.

GAPS

Other station areas in Everett could benefit from exceptions or reductions in parking requirements that would allow for more denser development that is less auto-centric.

Projects over 7 stories in height are subject to different requirements under the International Building Code (IBC) and fire codes that require more expensive construction methods. Buildings in the 8-11 story range are typically not large enough to recoup the cost. Developers are unlikely to take advantage of bonus heights in this range leading to less dense development and less contributions to community benefits.

AFFORDABLE HOUSING COMPREHENSIVE PLAN POLICIES

POLICY 4.3.2 *Consider inclusionary housing measures, as appropriate, along with affordable housing incentives as necessary to promote affordable housing in the Everett Planning Area.*

POLICY 4.3.10 *Provide incentives to site affordable housing in planned targeted areas that are within walking distance to public transit lines and transit centers. “Targeted area” means a planned area near transit that provides a mix of housing, retail and services promoting the creation or preservation of affordable housing serving households at or below 80 percent average median income (AMI).*

POLICY 4.3.6 *The City should establish a priority permit procedure for affordable housing developments.*

REGULATIONS SUMMARY

Everett has a twelve-year multi-family tax exemption for Metro Everett, Evergreen Way and North Broadway, provided 10% of units are affordable for 60% Area Median Income (AMI) and another 10% of units are affordable for households at 80% AMI. A similar exemption is available for project located in the Riverfront Area with 10% of units affordable to low-income households and another 10% affordable to moderate income households.

Everett also offers floor area incentives in 19.22.080 for affordable housing at 5 square feet of bonus market rate floor area for every 1 square foot of affordable housing, and a similar incentive for fees in lieu. Everett has a special revenue fund outlined in Chapter 3.90 in the Municipal Code for acquiring, constructing and rehabilitating affordable and supportive housing funded through a sales and use tax, and authorizes development agreements with affordable housing as a public benefit, like the City of Lynnwood and Snohomish County.

GAPS

Everett recently developed affordable housing recommendations as part of the “Rethink Housing” initiative. Mechanisms to implement the recommendations from that initiative could help the City more effectively encourage and produce new affordable housing units.

The City of Everett has yet to adopt permitting procedures that prioritize or incentivize affordable housing.

PARKING RELATED COMPREHENSIVE PLAN POLICIES

POLICY 4.3.13 *Develop and implement lower off-street parking requirements in locations where car ownership rates are low for resident populations, such as multifamily units, student housing, and mixed use developments near transit serviced areas, to help reduce housing costs and increase affordability.*

POLICY 2.7: *Develop and implement a comprehensive parking management program for all areas that generate high demand for both on-street and off-street parking, including provisions for pricing and enforcement of on-street parking, supply of off-street parking, and strategies to reduce the demand for parking within those areas to support a balance of travel modes consistent with the Comprehensive Plan.*

POLICY 2.20: *Consider reduced parking requirements for complementary land uses, innovative parking management strategies, or non-motorized amenities that exceed the minimum requirements for a development based on an approved traffic and parking analysis.*

REGULATIONS SUMMARY

There are reduced parking requirements within the Metro Everett subarea in 19.34.025.

Off-street Parking by Unit (Bedroom) Size:	Metro Everett Parking Areas (See Map 34-1) Spaces per <u>Dwelling</u> Unit		Outside Metro Everett Spaces per <u>Dwelling</u> Unit
	Area A	Area B	
Studio	0.85	1.00	1.00
1-bedroom	1.00	1.00	1.00
2-bedroom	1.20	1.40	1.50
3- or more bedrooms	1.60	1.90	2.00

Everett has further reduced parking requirements for low-income and extremely low-income units, frequent transit, and shared parking.

Resident Characteristic:	Additional Reduction Factor
Extremely low-income (30% AMI or below)	0.50
Low-income (60% AMI* or below)	0.65

Everett also has a full set of parking reduction options in 19.34.025 for proximity to transit, affordable housing and shared parking.

GAPS

The City does not have parking exceptions similar to Metro Everett for other planned station areas, but other reductions for proximity to frequent transit and other design features still apply outside of Metro Everett.

DEVELOPMENT INCENTIVE COMPREHENSIVE PLAN POLICIES

POLICY 4.5.2 *Provide amenities and incentives to encourage the construction of high density housing in target areas including downtown, the Core Residential Area¹, the Broadway corridor, Everett Station area, Evergreen Way corridor, and in other transit corridors.*

REGULATIONS SUMMARY

The City of Everett incentivizes certain public amenities with height bonuses in 19.22.080 along with incentives for affordable housing, some of which are only available in Metro Everett.

- Green Building: Additional 50% of height maximum for LEED Gold, additional 100% of height maximum for LEED Platinum.
- Public Parking: Everett offers floor area/height incentives in Metro Everett for parking associated with residential development that is available to the public during the day and parking associated with non-residential that is available to the public at in the evening and at night.
- Public Art: Everett offers height incentives for contributions to the municipal arts fund or public art approved by the City’s cultural arts commission to be completed by the developer.
- Parks and Public Space: Everett offers height incentives for developers that create parks or public spaces that are dedicated to the city or for fees in lieu of improvements.

¹ “Core Residential Area” is no longer a term used by Everett and this language will be updated in the next Comprehensive Plan Periodic Update

GAPS

The City has not implemented broader incentives for development consistent with the City’s desired development patterns in areas around high-capacity transit outside of Metro Everett.

MINIMUM DENSITY COMPREHENSIVE PLAN POLICIES

POLICY 4.10.4 Consider implementing standards for density minimums and floor area ratios in multifamily zones.

REGULATIONS SUMMARY

Everett has minimum heights in 19.22.020 for Urban Residential 3 and 4 (UR3 and UR4), and Mixed Urban (MU) Zones and sets a higher minimum height for Transit Oriented Development Streets

Building Type	Zone or Designation			
	UR3	UR4	MU	MU on TOD Street
<u>Principal Building</u>	2 floors	2 floors	2 floors	4 floors
<u>Accessory Building</u>	No minimum	No minimum	No minimum	No minimum

Everett also has a minimum residential density for multi-family zoning districts in 19.06.100 that sets a minimum number of units in certain many zoning districts.

Standard	UR3	UR4	NB	B	MU	L1 L2	HI	AG
Minimum Number of Residential Units	2	3	None	3 (applicable only where residential occupies more than 50% of <u>gross floor area</u>)			n/a	No

GREEN BUILDING COMPREHENSIVE PLAN POLICIES

POLICY 4.11.1 *Consider providing incentives to housing developers and homebuilders in return for providing housing that is certified LEED, Green Globes or other similar standard.*

POLICY 4.11.2 *Consider streamlining and prioritize review of permits for new development projects that are built to green specifications or for buildings undergoing substantial rehab to these standards.*

REGULATIONS SUMMARY

Everett offers substantial height incentives for LEED Gold and Platinum certification in 19.22.080 of the Everett Municipal Code. Those incentives grant and additional 50% of height maximum for LEED Gold, additional 100% of height maximum for LEED Platinum.

GAPS

The City of Everett has yet to adopt permitting procedures that prioritize or incentivize green building.

BICYCLE ACCESS COMPREHENSIVE PLAN POLICIES

POLICY 1.2: *Encourage accessibility for bicyclists on the transit system.*

POLICY 1.13: *Require major transit stations and park-and-ride lots to provide secure bicycle parking and related amenities to encourage cycling in the City.*

REGULATIONS SUMMARY

Everett requires bicycle parking for nonresidential uses at a rate of 1/12 the required vehicle parking spaces in section 19.34.030 of the Unified Development Code.

GAPS

Currently transit stations do not have parking requirements defined in 19.34.030, and as a result do not have bicycle parking requirements.

The Unified Development Code requires bike parking but does not offer guidance for bicycle facilities on public streets. Standard designs for streets with bicycle lanes or bicycle parking and repair stations within the landscape/furniture zone on public streets could include more specificity with regard to street furniture and fixtures, and their location and orientation.

MULTIMODAL COMPREHENSIVE PLAN POLICIES

POLICY 2.3: *Emphasize ease and safety of pedestrian and bicycle circulation and orientation to transit routes in the design and mix of land uses around designated transit centers/stations.*

REGULATIONS SUMMARY

Everett has adopted citywide street typologies detailed in 19.33 of the Everett Municipal Code, with the most designated streets in the Metro Everett subarea. These typologies include TOD, Pedestrian, Connector, and Residential Mixed-Use streets that create a safer and more comfortable pedestrian environment. These include more restrictive standards for structured parking against public streets, weather protection along public sidewalks, transparency at street level, and specifications for sidewalks along these streets.

For the majority of designated streets, sidewalk widths are fairly generous with a 16-foot minimum width for TOD and Pedestrian streets, a 12-foot minimum width for Connector streets and a 10-foot minimum width for Residential Mixed-Use Streets. The street standards also specify frontage zone and landscape/furniture zone widths for each designation, and require at least two pedestrian treatments for TOD, Pedestrian and Connector streets. Those treatments can include special surfacing, artwork, decorative tree grates, clocks, kiosks, landscaping elements or other treatments approved by the Planning Director and City Engineer. Seating, street furniture, and bike parking are not included as a standard sidewalk element and are not included in standard roadway design drawings from the City. For undesignated streets, the minimum sidewalk width required is 6 feet with no standards for frontage zones and landscape/furniture zones.

GAPS

Streets with no designation (including some in future station areas) do not provide for pedestrian amenities that would be appropriate at urban densities built around high-capacity transit. These undesignated streets have no requirements for frontage zones or landscape/furniture zones, which are currently at the discretion of the City Engineer.

PARKING COMPREHENSIVE PLAN POLICIES

POLICY 2.7: *Develop and implement a comprehensive parking management program for all areas that generate high demand for both on-street and off-street parking, including provisions for pricing and enforcement of on-street parking, supply of off-street parking, and strategies to reduce the demand for parking within those areas to support a balance of travel modes consistent with the Comprehensive Plan.*

POLICY 2.20: *Consider reduced parking requirements for complementary land uses, innovative parking management strategies, or non-motorized amenities that exceed the minimum requirements for a development based on an approved traffic and parking analysis.*

REGULATIONS SUMMARY

Everett has variable parking requirements for multi-family residential units based on bedroom count in 19.34.025, with lower requirements for Metro Everett and parking reduction options for transit, affordable housing and shared parking.

GAPS

Everett's exceptions and reductions in parking requirements are substantial but they are limited to Metro Everett excluding other areas around high-capacity transit.

Metro Everett

METRO EVERETT COMPACT GROWTH POLICIES

LU-14: *The city needs to provide incentives to catalyze redevelopment in Everett Station. These should include:*

- *Extend the transportation impact fee reduction to Everett Station (currently limited to the B-3 zone)*
- *Reduce off-street parking requirements for new development*
- *Expand the new jobs tax credit program*
- *Support efforts to create new active spaces and events, such as a farmer's market*

T-13: *The number of vehicle trips per person (or employee) in a high-density mixed-use center, like Metro Everett, are usually fewer than trips in other parts of the city. Transportation impact fees should take into account these reduced trips through revised fee schedules as appropriate.*

T-14: *Transportation Demand Management (TDM) measures should be required for development receiving reduced transportation impact fees and/or parking reductions.*

H-4: *Establish standards to ensure moderate to high-density housing is created, such as minimum height and minimum floor area requirements.*

H-9: *Expand the 25% reduction for transportation impact fees downtown to Metro Everett. Explore other models for transportation impact fee reduction based on urban centers similar to Metro Everett.*

REGULATIONS SUMMARY

Off-street parking requirements are reduced substantially in Metro Everett under parking exemptions in 19.034.050 with other parking reductions in 19.34.060, as described under comprehensive planning policies.

Everett's new jobs tax credit in Chapter 3.24.105 provides tax credits for business growth and relation if that business creates fifty full time jobs for at least four consecutive quarters. It is unclear if this tax credit has been expanded since the adoption of Metro Everett.

Everett offers an incentive for public parks created or improved as part of private development as part of the height incentives program in 19.22.080 that could help create new active spaces, particularly along public streets.

GAPS

Parking reductions in Metro Everett only allow developers to choose one reduction based on affordability, transit access, or shared parking. While this prevents compounding parking reduction factors for the same units, it also only allows developers to apply one affordability based factor (either 30% AMI or 60% AMI) as written in the current EMC. The affordability reduction factor may also offer limited benefit to a developer building mixed-income housing, with a reduction to parking requirements only for a certain percent of units, and would preclude them from using reductions for proximity to transit on other units. In situations where developers would expect a similar reduction from either the transit proximity or affordable housing parking reduction, they may be less inclined to meet the affordable housing requirement or payment in lieu, thus reducing community benefits.

The City’s height incentive of 1 square foot for every 2 square feet of public park created or improved is very low for a public space a developer would choose to dedicate and reduce the buildable area of the property.

METRO EVERETT MINIMUM DENSITY POLICIES

LU-18: *Adopt development regulations that encourage mixed-use adjacent to the station and high-density (minimum heights and FAR).*

REGULATIONS SUMMARY

Everett primarily regulates height according to the City’s height map in chapter 19.22.150 of the Unified Development Code. The heights permitted immediately adjacent to Everett station are 7 – 11 stories.

GAPS

Because of International Building Code and fire code requirements, building heights over 7 stories often require steel framing, which developers typically cannot recoup from development in the 8-11 story range, As a result, range of heights permitted in the Everett Station area are likely to yield uniform 7-story development patterns in the area immediately surrounding Everett Station.

METRO EVERETT PARKING DESIGN POLICIES**T-35: Restrict and/or prohibit new parking facilities as follows:**

- Do not allow new surface parking lots to front on transit-oriented and pedestrian streets;
- Do not allow new parking lots to be the primary use of property, except for public (structured) parking garages;
- Require street level business for parking structures on transit-oriented and pedestrian streets.

UD-13: New structured parking should be set back from street right-of-way with habitable spaces used by tenants of the building. In addition, any new stand-alone parking structures should incorporate commercial or retail uses along the majority of sidewalk frontages.

REGULATIONS SUMMARY

In Chapter 19.05.090 of Everett's Unified Development Code, parking is permitted as a principal use in the MU, Business (B), LI and HI zones. However, surface parking is prohibited as a principal use in Metro Everett. How much of a street facing façade can be occupied by parking is further limited by street designations in Chapter 19.33.020. The amount of ground floor building façades that can be occupied by parking structures integrated into buildings is further limited by street type to 10% of front building façade on TOD streets, 25% of front building façade on pedestrian streets, and 50% on Connector, Residential Mixed-Use, and undesignated streets. Standalone parking structures are limited to 25ft along TOD and Pedestrian Streets, 50ft along Connector Streets, 75ft along Residential Mixed-Use Streets and 100ft along undesignated streets.

The City's design standards in 19.12 contain specific standards for structured parking and require the same setbacks based on street designation as is required for habitable building area. While these design guidelines do not require ground floor uses that can be a challenge to find tenants for, they do require treatments to reduce the impact of parking on the pedestrian realm, obscuring parking from public view or adding visual interest to parking structures.

GAPS

Parking exceptions and reductions do not set parking maximums in areas the City may wish to disincentivize auto-oriented development, which may be a concern in station areas outside of Metro Everett.

METRO EVERETT OPEN SPACE POLICIES

H-11: *As the population increases, work to ensure additional open space is developed. Since space is limited, these open spaces can be accomplished as follows:*

- *integrated into new developments (e.g. rooftops, courtyards and plazas)*
- *new opportunities around Everett Station, such as the Lowe’s site if redeveloped, and around the light rail station*
- *enhancement of public streets and sidewalks (street trees, boulevards, outdoor cafes, etc.)*
- *additional public benches for places to sit, either in the sun or shade*
- *creation of a new street-end park, with views of the waterfront, at the west end of Hewitt at the railroad*

UD-16: *Public or publicly accessible open spaces should be encouraged at the tops of tall buildings to capitalize on views of both the natural and built environments.*

REGULATIONS SUMMARY

Everett offers an incentive for public parks created or improved as part of private development as part of the height incentives program in 19.22.080 with bonus height at a rate of one square foot of floor area for every two square feet of park space created or improved.

GAPS

The City’s height incentives for public spaces are geared toward the creation of new dedicated open spaces and park improvements are very modest compared to other bonuses. These bonuses also do not incentivize privately owned public spaces such as rooftops or other small public spaces integrated with private development.

METRO EVERETT TRANSIT-ORIENTED DESIGN POLICY

UD-11: *Buildings and sites located on streets designated as transit-oriented (see Figure 23 in Chapter Four, Land Use) should be required to provide safe, accessible, convenient and lighted way-finding to transit stops and transit stations.*

GAPS

Wayfinding requirements have not been implemented through Everett’s Unified Development Code. This may be better implemented through a separate planning process, rather than through code requirements that can result in wayfinding with inconsistent visual identity, legibility and accessibility. Implementation of wayfinding is often most effective at a citywide or district scale and can include landmark elements that serve as natural wayfinding.

METRO EVERETT AFFORDABLE HOUSING POLICIES

E-6: *Ensure housing is affordable for all income levels, with a mix of incomes reflective of the city.*

REGULATIONS SUMMARY

Everett has a twelve-year affordable housing tax exemption for Metro Everett, Evergreen Way and North Broadway, provided 10% of units are affordable for 60% AMI and another 10% of units are affordable for households at 80% AMI. A similar exemption is available for project located in the Riverfront Area with 10% of units affordable to low-income households and another 10% affordable to moderate income households.

Everett also offers floor area incentives in 19.22.080 for affordable housing at 5 square feet of bonus market rate floor area for every 1 square foot of affordable housing, and a similar incentive for in-lieu fees. Everett has a special revenue fund for acquiring, constructing and rehabilitating affordable and supportive housing funded through a sales and use tax, and authorizes development agreements with affordable housing as a public benefit, like the City of Lynnwood and Snohomish County.

GAPS

Everett recently developed housing recommendations as part of the “Rethink Housing” initiative. Mechanisms to implement the recommendations and strategies that come out of that housing process could help the City more effectively encourage and produce new affordable housing units.

METRO EVERETT HISTORIC PRESERVATION POLICIES

E-8: *Support redevelopment of upper floors of older buildings. The city might help by reducing additional required parking.*

REGULATIONS SUMMARY

Historic buildings are exempt from parking requirements in Chapter 19.34.

GAPS

There are no provisions for parking reductions or parking maximums established for redevelopment above older building facades, or regulations that specifically encourage redevelopment on upper stories of older buildings.

METRO EVERETT NEW MOBILITY POLICIES

EPO-9: *The city should support, and take the lead where appropriate, to add electric vehicle charging stations. Stations should be located in public places, such as Everett Station and City Hall, and integrated into parking garages as standard practice for new development.*

GAPS

Electric vehicles are mentioned in the off-street parking requirements of Chapter 19.34 of Everett's Unified Development Code, but there are no requirements or incentives to create EV charging infrastructure.

Lynnwood

Lynnwood Comprehensive Plan

MULTIMODAL COMPREHENSIVE PLAN POLICIES

POLICY CC-7.3: *Streetscape improvements should improve all areas of public streets, especially for pedestrians, by incorporating appropriately scaled lighting, sidewalks, bike lanes, and other amenities such as benches and trash receptacles.*

STRATEGY CC-11.3 *Update City land use, zoning, design codes, and development review guidelines to reinforce and support multi-choice transportation options.*

REGULATIONS SUMMARY

Lynnwood City Center has distinct street standards in 21.60.500 for four street typologies: Boulevard (44th Ave W, 200th St SW, 196th St W, 36th Ave W), Collector Arterial (194th St SW, 40th Ave W), Grid Street (42nd Ave W), and Promenade Street (198th St SW). These typologies require wider sidewalks 12- or 16-feet, including tree wells that occupy 5 feet of sidewalk space. The Transition Area Design Guidelines apply a similar 12-foot standard for sidewalks on major streets in the Alderwood-City Center Transition Area. The City Center Streetscape Plan provides examples of these and other street elements required by the Municipal Code and design guidelines.

Sidewalks and full street improvements are required per 12.12.030 on adjacent rights-of-way as part of development plans for plats, short plats and building permits, except minor reconstruction or alteration. Design standards for sidewalks and walkways to be constructed together with adjacent development are determined by the Public Works Director. Planting strips (any areas between the travel lanes and the property line not occupied by sidewalks or walkways) are improved and maintained by property owners.

GAPS

Standards for streets in Lynnwood City Center and the transition between the City Center and Alderwood do not include amenities such as seating and bike parking. Existing standards do not clearly define areas on the public streets where these amenities could be placed such as a landscape/furniture zone.

Sidewalks outside of Lynnwood City Center and the transition area are much narrower and do not provide for the same pedestrian amenities as those on streets with designated typologies within those zones.

PUBLIC ART COMPREHENSIVE PLAN POLICIES

POLICY CC-8.5 *Utilize public art in civic spaces and private developments that enhance and strengthen the visual appeal of the city.*

REGULATIONS SUMMARY

The City of Lynnwood includes 1% of total cost for municipal construction projects, and annual contributions to the cumulative reserve art fund, in the Chapter 3.14 of the Lynnwood Municipal Code. The City also includes public art among the public benefits that may be included in development agreements.

GAPS

Lynnwood does not have any incentives for public art as part of private development. The City could consider incentives or requirements to integrate public art into new development, or as part of associated improvements to public streets.

COMPACT GROWTH COMPREHENSIVE PLAN POLICIES

POLICY CC-18.12 *Continue to concentrate compact, mixed-use, walkable transit-oriented centers, specifically within the Regional Growth Center (which includes City Center), along Highway 99, around Alderwood Mall and within the College Mixed-Use District.*

REGULATIONS SUMMARY

Lynnwood's development standards are organized by zone, or closely related zones established in Chapter 21.40. The zones that are most relevant to potential station areas around West Alderwood are described below.

ACC ZONE (CHAPTER 21.60): The Alderwood-City Center Transition Area Zone (ACC) permits a mix of multi-family residential, services and office uses. Heights are variable based on proximity to nearby residential zones ranging from 50ft to 85ft or 120ft with a conditional use permit.

PRC ZONE (CHAPTER 21.48): The Planned Regional Commercial Zone (PRC) allows unrestricted building height and coverage with restrictions on some auto-oriented uses including used car sales and service or gas stations. Residential parking in the PRC zone has a minimum of one stall per dwelling unit and a maximum of 1.5 stalls per dwelling unit.

PCD ZONE (CHAPTER 21.46): The Planned Commercial Development Zone (PCD) has no restrictions on height or lot coverage. Residential uses are permitted on upper floors in this zone, but have a 40-square-foot on-site recreation requirement per unit.

RMM ZONE (CHAPTER 21.43): The Multiple Family Medium Density Zone (RMM) permits a range of residential uses including boarding houses and adult family homes, while some limited nonresidential uses and senior housing and utilities are conditional uses. The RMM zone has a 35ft height maximum and 35% lot coverage maximum.

RMH ZONE (CHAPTER 21.43): The Multiple Family Medium Density Zone (RMH) permits a similar range of housing types and some nonresidential uses as conditional uses. The RMH zone has unlimited height and 45% lot coverage maximum allows for more intense development.

CR ZONE (CHAPTER 21.54): The Commercial-Residential Zone (CR) has no front yard setback, 70% lot coverage and no height limit. Only specific uses are prohibited, most of which are auto-oriented, less active uses with large footprints.

GAPS

PCD Zone: Auto-oriented use and development standards in the PCD zone can conflict with compact transit oriented development.

RMM ZONE: 35% lot coverage maximum limits development capacity for multi-family development and encourages large surface parking areas which do not count against lot coverage.

RMH ZONE: 35% lot coverage limits development capacity and builds in assumptions for surface parking that may encourage large surface parking lots which do not count against lot coverage.

ACC ZONE: Specific setback standards for different streets in the Alderwood – City Center Transition Area, larger setbacks on 36th Avenue W (minimum of 50 feet) and 188th Street SW (minimum of 25 feet) accommodate front-yard parking these streets more auto-oriented. Transition Area Design Guidelines for this zone specify appropriate locations for parking to the side or rear of buildings, but only for 33rd Avenue W and future extension of 194th Street SW.

PCD ZONE: Auto-oriented uses and development standards in the PCD zone can conflict with compact development.

OFF-STREET PARKING REQUIREMENTS BY USE: Though residential parking requirements in the ACC and PCD zones are comparable to other TOD areas, commercial and office requirements are high in comparison to TOD areas in Everett and Snohomish County. For example, office and retail uses in Urban Center zones in unincorporated Snohomish County require 2 stalls for every 1,000 square feet while in Lynnwood, offices and retail require up to 5 stalls per 1,000 square feet. Snohomish County's requirements are based on net square feet while Lynnwood bases parking requirements (except regional shopping centers) on gross floor area which yields more required parking. Higher required parking can make compact development challenging and result in a proliferation of surface parking that creates more diffuse suburban land use patterns in zones around future station areas.

LOW IMPACT DEVELOPMENT COMPREHENSIVE PLAN POLICIES

POLICY CC-18.16 *Continue to update development standards to allow or require low impact development standards such as infiltration of stormwater, bioswales, green roofs, rain gardens or other established Best Management Practices (BMPs).*

REGULATIONS SUMMARY

Stormwater Management Chapter 13.40 requires implementation of low-impact development (LID) techniques to the extent feasible with design consistent with the LID Technical Guidance Manual for Puget Sound. LID features are also encouraged in the code's landscaping chapter (Chapter 21.08).

GAPS

The best practices from LID Technical Guidance Manual for Puget Sound are not integrated into development regulations for other design elements other than landscaping. The manual contains LID principles and strategies for site design and assessment that are not included in the LMC.

DEVELOPMENT INCENTIVE COMPREHENSIVE PLAN POLICIES

ACTION 3.1A.7 *Target incentives for catalytic projects that meet criteria related to project size, density, mix of uses, orientation toward the street, multi-modal connectivity and aesthetics.*

REGULATIONS SUMMARY

Lynnwood's City Center zone has a system of floor-area-ratio (FAR) bonuses in Table 21.60.2 for desirable features like public plazas and promenades, Leadership in Energy and Environmental Design (LEED) certification, structured and underground parking and other desirable design features. Bonuses are also available for residential and mixed-use development in the City Center per Chapter 21.60, including for street level retail and office use above the ground floor. As of right, new nonresidential development can build to an FAR of 2.0 and residential to 3.0. With bonuses, nonresidential can build to a maximum of 8.0 in the City Center Core (CC-C) and 3.0 in other areas. Residential can build to a max bonus FAR of 10.0 in CC-C and 5.0 elsewhere in City Center.

The City has also enacted a Multi-Family Tax Exemption (MFTE), an ad valorem tax exemption for new multi-family housing development in Chapter 3.82 of the City's code as an incentive for the creation of new multi-family housing in the regional growth center.

GAPS

No development incentives are currently in place near West Alderwood. Application of City Center standards would not be appropriate as the PRC and PCD zones near West Alderwood have unlimited height.

AFFORDABLE HOUSING COMPREHENSIVE PLAN POLICIES

POLICY H-30. *The City shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of lower-cost housing types, such as small lots, townhouses, multiplexes, and mixed-use housing.*

REGULATIONS SUMMARY

The City collects a portion of sales tax revenue per Chapter 3.45 to fund acquisition, construction, or rehabilitation of affordable housing. Lynnwood City Council may also require affordable housing as a public benefit in a development plan. Lynnwood utilizes the Multi-family Tax Exemption (MFTE) allowed by the state under RCW 84.14. The program allows certain cities, and recently counties, to specify areas where they can allow 8 and 12-year property tax exemptions for multi-family housing. Section 84.14.020 of the RCW requires that 20% of multi-family housing within a new project be set aside as affordable for low and moderate income households to be eligible for the 12-year-multi-family property tax exemption but allows jurisdictions to set their own income thresholds. Section 84.14.10 defines low income as 80% or less of the median income of the county where the project is located and moderate income as 115% or less. In high cost counties, these limits are 100% and 150% respectively.

GAPS

Lynnwood's current MFTE eligibility criteria do not set local affordability standards but instead use the default language in RCW 84.14.10. The state standard uses Snohomish County's median income which was \$86,691, according to the 2015-2019 Census American Community Survey, vs just \$63,743 for Lynnwood. This means subsidized units qualifying for the tax break would still be out of reach for many Lynnwood families. The target areas for the City's MFTE program are limited to the City Center but could be expanded to include other parts of the regional growth center near transit (i.e. West Alderwood).

Snohomish County

Snohomish County Comprehensive Plan

COMPACT DEVELOPMENT COMPREHENSIVE PLAN POLICIES

LU 2.B.2 *The county shall encourage, and may require, higher minimum densities within designated urban centers, urban villages, and along connecting transit emphasis corridors to support planned transit service.*

LU 2.C.1 *The county shall encourage the expansion, revitalization, redevelopment, and intensification of existing areas, with special focus on those located within designated centers and along transit emphasis corridors, before new sites are designated and zoned.*

LU 2.C.2 *The majority of new commercial development shall be accommodated as mixed use in urban centers, and/or urban village or adjacent to transit stations or within transit emphasis corridors (see also policies under objectives LU 2.B, LU 3.A, LU 4.A and 4.B).*

LU 2.C.3 *The intensification or redevelopment of existing strip commercial developments shall be encouraged including changing to mixed use in appropriate locations, particularly along transit emphasis corridors.*

LU 3.H.1 *The county shall encourage mixed-use and/or higher density residential development in appropriate locations along transit emphasis corridors. Corridor planning can help identify those locations where higher densities and mixed uses can best support transit and nonmotorized access.*

T 2.C.1 *Transit-compatible and transit-oriented land uses and densities within transit emphasis corridors shall be implemented that recognize and reflect appropriate activity zones and walking distances, generally within ¼ to ½ mile of the transit emphasis corridor.*

T 2.E.2 *Transit service shall be supported by planning for the appropriate mix of development that includes both employment and housing uses.*

REGULATIONS SUMMARY

Snohomish County's designated urban centers are in the Urban Center (UC) zoning district. The Urban Center zone is the primary mechanism for intensification of uses around transit facilities, and at nodes on transit emphasis corridors. In areas outside of the County's Urban Center zones, transit emphasis corridors are largely zoned Multiple Residential, or urban, non-residential zoning districts, in particular Community Business and General Commercial.

The Urban Center zoning district, detailed in the Chapter 30.34 of the County's Unified Development Code, allows for higher density housing and prohibits many types of lower density development, such as single family detached and cottage housing. The UC zoning district

allows for mixed use development and permits greater maximum floor area ratios for mixed use developments. Mixed use is defined broadly for the UC zoning so that half the buildings in a four or more building development with single-use buildings are non-residential and half are residential, and one building in a three or fewer building development has a ground floor devoted to nonresidential uses. In addition to higher densities, UC zones require ground floor residential that is within 5 feet of a public road maintain a minimum structural ceiling of 13 feet to provide the opportunity to future conversion to nonresidential use. Street-facing ground floor facades for mixed use and commercial buildings in UC zones have a transparency requirement of 40%.

Minimum floor area ratios for UC zones are set at 0.5, and permitted building heights in Urban Center zones are higher, with a maximum height of 90 feet and a 35-foot height bonus within 1/8 mile of high capacity transit. FAR maximums in the Urban Center zone are 1 for mixed use and 0.75 for single-use development, with a set of bonuses for additional floor area up to 3.75 for mixed use development and 2.5 for single-use development. The set of floor area bonuses the County offers developers are for structured parking, affordable housing, community gardens, covered civic space, daycare, green roofs, 1% to public art, public plazas, solar panels and Transfer of Development Rights (TDR).

Multiple Residential zoning allows for a range of housing options and limited nonresidential uses. All forms of residential development defined by the Snohomish County Unified Development Code, except for cottage housing are permitted in the Multiple Residential (MR) zoning district. Permitted and conditional uses are listed in 30.22.100. The maximum height in MR zones within the Southwest Urban Growth Area is 45 feet (75 feet if within a certain distance of SR 99), with variable setbacks that scale with building height and no lot coverage maximum. Buildings over 30 feet in height in MR zones require a 25ft setback if adjacent to single-family zones, with additional distance required for portions exceeding 45ft in height (SCC 30.23.030). Front yard setbacks are determined primarily by roadway width with 10ft setbacks on private roads or public roads over 60 feet in width and 35ft required setbacks on roads under 60 feet in width. Maximum density in MR zones is 1 unit per 2,000 square feet of lot area, or roughly 22 units per acre with higher density for townhouses, planned residential development, projects that use transfer of development rights and for properties in close proximity to SR 99. Design standards for urban residential zones including MR zones are in Section 30.23A of the County's Unified Development Code.

General Commercial (GC) zoning districts allow for a range of commercial uses, including automotive commercial uses, wholesale and warehousing, and higher intensity residential development, namely townhouses and multi-family development. The Neighborhood Business zone allows for a similar set of uses, focused on everyday needs, shopping and services, and thus permits fewer commercial uses that are more auto-oriented or less active, like warehousing, wholesale, vehicle sales and repairs or construction materials. Bulk requirements for residential in the GC and Neighborhood Business (NB) zones are identical to requirements for the MR zone. The GC zone has a maximum building height of 45 ft (75 feet if within a certain distance of SR 99) and a maximum lot coverage of 50%, while the NB zone has a maximum building height of 40 and a maximum lot coverage of 65%. Development on properties zoned GC or NB must be set back 10 feet from residential, multi-family and rural zones, 25ft from roads over 60ft in width, and 40-55ft from roads less than 60ft.

GAPS

Together the parking and open space requirements per unit in the UC zone can result in a substantial reduction of buildable area for parcels in this zone. Without parking reductions, the 1.0-1.5 spaces per unit and 150ft open space requirement together amount to roughly 590 square feet per unit using an average parking space area of 350 square feet that includes drive aisle access.

FAR minimums in the UC zoning district are low for urban densities and do not ensure that new development matches the intent of the zoning district. Low density auto-centric development still fits in this FAR minimum given parking requirements for retail and office in UC zones.

Height bonuses for transit proximity may not be an effective incentive because they push permitted height to 90 – 125 feet, which would require steel-frame construction at a height where it is rarely financially viable. Some FAR bonuses are unlikely to be an effective incentive, in particular the 0.5 FAR bonus for 75% or more of parking in a structure may not be sufficient based on cost to the developer.

Scaling setbacks near zones with lower intensity development on the Future Land Use map are more restrictive to multi-family development than they are to commercial development. The urban residential zones bulk matrix requires a setback of as much as 25 feet, while the same requirement for commercial development in GC and NB zones is only 10 feet.

Setbacks are larger for developments on road with a narrower cross-section, potentially limiting urban style development.

URBAN CENTER AND VILLAGE COMPREHENSIVE PLAN POLICIES**LU 4.B.2 The county shall ensure that design standards for urban centers and villages achieve the following objectives:**

- a) *Centers that are visible and accessible to pedestrians from the streets and clearly defined through lighting, landscaping, street furniture, landmarks, changes in land use, and/or open space.*
- b) *The design of new buildings that result in the creation of quality pedestrian spaces and that are compatible with planned architectural scale, massing, building orientation, height, articulation, and materials.*
- c) *Open spaces that are incorporated into the design of centers and situated in a manner that complements other land uses.*
- d) *Where increased density housing is proposed, the height, scale, design, and architectural character of the proposed units is compatible with the character of buildings in the surrounding area and may require taller buildings to be located in the core of the Village or Center, or at an edge adjacent to nonresidential uses, with heights stepping down towards existing lower density housing.*
- e) *High quality developments and a mix of housing and commercial uses that allows for the use of creative and innovative design and fosters joint development strategies.*
- f) *Building setbacks that create public spaces with visual interest.*
- g) *Off-street parking that is within structures or underground, where feasible. Where underground parking or structures are not feasible, off-street surface parking within a center should be located at the sides or the rear of buildings and well landscaped to reduce the visual impact of large parking areas. Surface parking in front of a building (between the building and the street) should be avoided, whenever possible.*
- h) *Shared parking among various land uses and provision of bicycle parking.*
- i) *Centers that are connected with nearby residential, parks, schools and employment areas by well-landscaped and barrier-free pedestrian, bicycle, and transit linkages (see also transportation element).*
- j) *Emphasis shall be placed on the public realm, which may include parks, plazas, play area and trails, such that they create a sense of place within centers.*

REGULATIONS SUMMARY

Open space requirements for UC zones are detailed in 30.34A.070. Developments must include 150 square feet of open space per residential unit and 2% of the floor area of non-residential development. At least 50% of the open space must be accessible to the public for “active recreation” and 25% of this area must be consolidated in one location. This requirement along with FAR bonuses in the UC zone for public plazas can help create new public and open spaces as these areas grow, but there are no requirements for how required open spaces are sited or oriented in new development.

The UC zone also has design standards for weather protection on pedestrian streets, and transparency for nonresidential ground floor uses. Snohomish County's standard drawings provide some guidance for the design of streets by hierarchical class.

Design standards for above grade parking structures in UC zones are included in section 30.34A.095. Structures "shall complement or be integrated with the architecture of the building." Section 30.34A.035 provides FAR bonuses for developments that contain at least 50% of required parking in a structure with further bonuses for containing at least 75%. Parking lots must also comply with 30.25.022, which requires landscaping at least 10% of the parking lot area and fences separating the lot and any adjacent residential uses. Section 30.26.032 lays out further requirements for parking in UC zones including requirements parking must be located within, under, behind, or to the side of buildings, entrances shall be minimized, and where possible, located to the side or rear of buildings.

Chapters 30.26.050 and 30.26.055 allow joint parking between uses that are within 300 feet of one another and where the applicant can show that there is not a "substantial overlap" in the hours of peak parking demand. Bicycle parking is required in UC zones for all uses. Developments can also get a reduction in parking of up to 40% when an applicant demonstrates that effective alternatives to automobile use will provide an effective and permanent reduction in parking demand in section 30.26.040.

UC maximum height is detailed in section 30.34A.040. The default maximum height in UC zones is 90 feet. Through the review process, projects can be increased by 35 feet if it is within 1/8 mile of a high-capacity transit station, major transit corridor, or transit center. Developments in UC zones that are within 90 feet of R-9600, R-8400, R-7200, (Townhouse) T or Low-Density Multiple Residential (LDMR) are set at a maximum height of half the distance between the building or portion of the building located near lower-density residential zones. This provides for some transition in height between the two zones.

GAPS

There are no standards or guidelines for how required open and public spaces are sited or oriented in new development.

Snohomish County does not provide guidance for the design streets and pedestrian areas in UC zones, specifically where pedestrian access and comfort is a priority based on the County's comprehensive plan policies.

FAR bonuses for structured parking of .5 of 75% in a structure or 0.25 for 50%-75% in a structure may not be sufficient given the cost of structured parking for developers. Specific submittal requirements for what is sufficient to demonstrate a lack of substantial overlap for shared parking would help applicants use this part of the code more predictably. The UC height bonus brings maximum building heights into a range that is not typically financially viable because of the construction techniques necessary to build at that height according to the International Building Code (IBC).

AFFORDABLE HOUSING COMPREHENSIVE PLAN POLICIES

H 1.C.9 *The county shall investigate methods of ensuring that redevelopment will not result in a net loss of affordable housing; i.e. every unit of affordable housing lost to redevelopment is replaced with like, affordable housing, suitable for and in a location beneficial to the same demographics as those displaced by redevelopment. To this end, the county shall consider requirements for the inclusion of low-income housing or fees in lieu of providing low-income housing.*

REGULATIONS SUMMARY

Snohomish County has an Affordable Housing Trust Fund established in Chapter 4.67 of the County's Unified Development Code that is funded through surcharges collected by the County Auditor and can be used for acquisition, construction or rehabilitation of affordable housing, support for building operations and maintenance, rental assistance vouchers, and operating costs for shelters. The County also has an affordable and supportive housing tax credit fund for investment in affordable and supporting housing using sales and use taxes imposed in Chapter 4.122. The County also has procedures for the disposition of surplus property established in Chapter 4.46 that specifically includes consideration of affordable housing as defined in RCW 63A.510.

Snohomish County offers an FAR incentive for affordable housing in the Urban Center zoning district (Chapter 30.34A) at a rate of 5 additional square feet of market rate space for every 1 square foot of affordable housing. Snohomish County also offers priority permit processing for mixed-use or mixed-income projects in which at least 50% of units are affordable.

GAPS

Snohomish County relies on incentives to create affordable housing, but does not have an MFTE program, which the County was not eligible to provide in the past, but may now be able to. The County also does not have anti-displacement policies that might help stabilize lower income households or businesses at risk of displacement.

PARKING COMPREHENSIVE PLAN POLICIES

H 3.B.2 *The county shall consider reducing residential parking requirements in neighborhoods with high levels of public transportation.*

OBJECTIVE TR 5.C *Work to reduce parking demand by requiring accommodation within site plans for pedestrians, public transportation, ridesharing, and bicycles.*

REGULATIONS SUMMARY

Chapter 30.26 allows applicant to reduce required parking by 40% if they can demonstrate that effective alternatives to automobile use will be implemented. Currently this is interpreted as a narrative that includes vanpool, shuttle service, or other factors like proximity to transit.

GAPS

Chapter 30.26 does not include clear requirements for how an applicant can demonstrate effective alternatives in terms of submittal requirements or what factors the County considered demonstrating effective alternatives. Offering guidance on what the County would like to see in terms of alternatives to automobiles, or a universal reduction for projects near frequent transit could help developers use this provision more consistently.

MULTIMODAL COMPREHENSIVE PLAN POLICIES

T 2.A.1 *Roadways serving designated centers shall be redesigned, improved, and maintained as principal and minor arterials for multimodal travel.*

T 2.E.3 *Safe, pleasant and convenient access shall be provided for pedestrians and bicyclists as well as efficient transfer between all modes of travel.*

T 3.A.3 *A safe system of bicycle and pedestrian facilities shall be planned for, tying together residential areas, schools, recreation areas, business areas, transit stops and transfer points, and centers.*

REGULATIONS SUMMARY

Snohomish County Engineering Design and Development Standards (EDDS) require that bicycle lanes be installed as part of any construction, reconstruction or frontage improvement project to roads designated as bikeway routes on the Countywide Bicycle Facility System of the Transportation Element of the Comprehensive Plan. The EDDS also specify a minimum width for sidewalks based on use, with a minimum of 5-feet for single family development and a minimum of 7 feet for all other uses.

GAPS

Snohomish County does not have specific street standards for Urban Centers or along transit emphasis corridors to support multimodal improvements and pedestrian amenities. There are no specifications, guidelines or standard drawings for pedestrian amenities that could be located in a landscaping/planting zone in Urban Centers.

Bicycle lanes as classified in the Snohomish County Engineering Design and Development Standards are not protected or separated from vehicle traffic and do not provide separation through intersections. The EDDS does not contain any standards or standard drawings for protected or separated bike lanes.

LOW IMPACT DEVELOPMENT COMPREHENSIVE PLAN POLICIES

NE 9.A.3 *The county should promote the use of low impact development designs to encourage the reuse of water.*

REGULATIONS SUMMARY

Snohomish County Code, in 30.63A.525, mandates low impact development Best Management Practices (BMPs) as directed by the drainage manual.

GAPS

There are no incentives or regulations beyond the BMPs included in the drainage manual to encourage reuse or reduce consumption of water.

GREEN BUILDING COMPREHENSIVE PLAN POLICIES

NE 9.B.1 *The county should adopt plans and regulations that require site planning and building design to promote energy conservation and reduce demand.*

NE 10.B.6 *Adopt development regulations that foster energy conservation, environmental enhancement, recycling and waste reduction.*

REGULATIONS SUMMARY

Urban Center zones provide FAR bonus of 10 feet for each foot of rooftop solar and 5 feet for each foot of green roof in Section 30.34A.035.

GAPS

There are no incentives in the County code for green or net zero buildings, with the exception of the two incentives listed above for the UC zone and LEED requirements for County facilities.

GAP 2: GAPS BETWEEN JURISDICTIONS

This section identifies regulations that differ between jurisdictions, which highlight various approaches to regulating land use. This section also identifies where jurisdictions are providing a model that others may want to emulate.

Development Regulations

Affordable housing incentives

Lynnwood, Everett, and Snohomish County all offer some incentives for affordable housing. Snohomish County offers priority permit processing to any project that is 100% subsidized units to households making at or below 80% area median income, or mixed-use residential projects that have 50% of their floor space or units are devoted to providing low income housing (30.76). Snohomish County is the only jurisdiction to offer permit expedition. Snohomish County also offers floor area ratio (FAR) bonuses for affordable housing in Urban Center (UC) zones; for every square foot of affordable housing provided, a project gets an additional five square feet of floor area.

Everett also offers FAR bonuses for affordable housing. Height in Everett is determined by a height overlay that maps the by-right height as well as the maximum bonus height for each section of the city. For every square foot of affordable housing provided, projects may add five square feet towards their height up to the applicable bonus maximum. Projects may also supply a fee in-lieu of on-site affordable housing for a ratio of two square feet for every square foot of fees (19.22).

Everett and Lynnwood both offer the Multi-Family Tax Exemption (MFTE), an ad valorem tax exemption on new multi-family development. This state law (RCW 84.14) allows jurisdictions to waive property taxes for eight years on multi-family housing projects and 12 years on subsidized affordable housing projects. Everett's requirements are for the development to be in one of the target areas set out by the City and for it to provide at least eight units, four of which must be new (3.78). To qualify for the exemption in Lynnwood, projects must be located in the City Center Subarea and include at least 50 units or a 20-unit addition to an existing development (3.82). To get the full 12-year exemption, 20% of these units must be subsidized affordable (RCW 84.14).

GAPS

- Snohomish County is the only jurisdiction to offer expedited permits for affordable housing.
- Snohomish County may eligible to offer the MFTE and is exploring whether recent legislative changes have given it the authority to do so and has yet to implement an MFTE program.
- Lynnwood does not offer incentives beyond the MFTE, which only applies to projects in the City Center area, not to the future West Alderwood station area. Everett's target area covers land in all three of the station areas in their jurisdiction.

Green building incentives

Snohomish County does not offer any green building incentives but both Everett and Lynnwood offer density bonuses in exchange for various levels of LEED certification. Lynnwood allows a FAR increase of 10% for LEED Silver projects, 25% for Gold and 40% for Platinum. These bonuses only apply to City Center zone projects (21.60). Everett allows projects to build to 50% of the maximum incentive height if they are certified LEED Gold and 100% for LEED Platinum projects (19.22).

GAPS

- Snohomish County offers no green building incentives.
- Lynnwood's bonus applies only to projects in the City Center.

Height limits

Height limits vary within jurisdictions as well as between them. This analysis focuses on current zoning within a half-mile of the representative station locations. Most of the station area in Lynnwood have no height restrictions including Planned Regional Commercial (21.48), Planned Commercial Development (21.46) and Multiple Residential High Density (21.43). Commercial Residential also has no height limit but heights above 35 feet require additional setbacks (21.54). The station also has parts of City Center zones that have high maximum heights, but additional restrictions bring that down. City Center Core has a max height of 350 feet but most of the zoned land in the study area is held to 130 or 35 feet due to its proximity to residential zones. City Center North is mostly allowed to build to the maximum height of 140 feet (21.60). The Alderwood City Center Transition zone tapers down from 205 feet to zero based on the distance from 33rd and 36th avenues (21.61). Other residential zones within the station area have 35-foot height maximums (21.43).

Most of the station area in unincorporated Snohomish County is Urban Center zoning. Urban Center zoning allows for a maximum height of 90 feet and an additional 35 feet (totaling 125 feet) if the building is within 1/8th of a mile of a high-capacity transit station, major transit corridor, or transit center. This bonus would include the future light rail stations as well as the BRT lines on SR 99/Evergreen, 128th Street SW and 164th Street SW. Station areas also contain significant Multiple Residential and General Commercial zones both of which have a standard height limit of 45 feet but may go to 75 feet if they are 2,000 feet west or 800 feet east of SR 99. Business Park zoning also has a significant presence in the station area and has a height limit of 50 feet.

Everett does not regulate height through zoning; it instead uses a height overlay map to determine maximum stories across the city (19.22). The height overlay map has both by-right height limits and maximum heights that can be achieved with the use of bonuses. Heights are measured in feet and stories that can be translated into feet; commercial first floors are equal to 15 feet with additional floors equaling 10 feet and all residential floors are equal to 10 feet. Near the provisional SR 99/Airport Road station, the section within Everett includes areas with six floors by-right and eight with bonus, four by-right and six with bonus and seven by-right and nine with bonuses.

SW Everett Industrial station includes areas with six floors by-right and eight floors with bonuses and seven floors by-right and nine floors with bonuses. SR 526 Evergreen includes areas with four floors by-right and 6 bonus and seven floors by-right and nine floors with bonuses. Everett station area mostly allows seven floors by-right and up to 11 with bonuses as well as areas that allow five floors by-right and eight with bonuses, 12 floors by-right and 25 with bonuses and areas with max heights of three and six floors.

Everett and Lynnwood also have height minimums in addition to maximums in certain areas. Lynnwood requires three stories and 30 feet of height in City Center zones (LCC 21.60.400). Everett requires two floors in Urban Residential 3 and 4 zones and two floors in Multiple Residential zones, four if the parcel is on a designated TOD street including Broadway, Pacific, McDougall and Smith Avenues (ECC 19.22).

GAPS

- Lynnwood does not restrict height at all for most of the West Alderwood station area.
- Everett does not regulate height by zoning district but through an overlay.

Floor area ratio restrictions

All three jurisdictions regulate floor area ratio (FAR) in certain areas but Everett only limits FAR in low-density residential zones (ECC 19.06.110). Lynnwood only regulates FAR within City Center zones; in City Center zones, there is both a maximum by-right FAR and a maximum FAR that can be achieved with various density bonuses. City Center Core allows for a by-right FAR of 3.0 for residential projects and up to 10.0 with density bonuses; nonresidential projects can build by-right to an FAR of 2.0 and up to 8.0 with bonuses. City Center North allows a by-right FAR of 3.0 for residential projects and up to 5.0 with bonuses; nonresidential projects by-right can build to a FAR of 2.0 and a maximum of 3.0 with bonuses (21.60.400).

Snohomish County regulates FAR in Urban Center zones, with both a maximum by-right FAR of 1.0 for mixed-use developments and up to 3.75 with bonuses. Non-mixed-use developments have a by-right FAR of 0.75 and a bonus maximum of 2.5. In addition, all developments in Urban Center zones must have a minimum FAR of at least 0.5 (30.34A).

GAPS

- Everett does not generally regulate by FAR in the station areas but instead uses height and lot coverage.
- Lynnwood allows for a much higher FAR than Snohomish County where FAR is restricted.

Open space and art

All three jurisdictions have a combination of incentives and requirements for developments to incorporate open space and art. Lynnwood generally requires open space through its design guidelines. City Center and Alderwood City Center Transition zones must both follow their respective guidelines documents. Both documents require that new buildings and developments provide open space at least equal to 1% of the sum of the building and site areas. Outside of areas with specific design guidelines, projects must follow the Citywide Design Guidelines. These guidelines require a plaza or pedestrian space near building entrances at a ratio of one square foot of plaza per 100 square feet of building area. Public art is one of several amenities that a development can provide in a plaza to fulfill the design requirements in City Center and Alderwood City Center Transition zone but is otherwise not required or incentivized.

Snohomish County requires open space in urban center zones and all residential zones. Developments in urban centers must provide 150 square feet of open space per residential unit and nonresidential developments must provide 2% of their total floor area. Urban center zones also provide density bonuses for public art and open space including community gardens, covered civic space and public plazas (30.34A).

Everett requires open space in multi-family housing but usually this requirement can be met with a combination of indoor and outdoor space that is either common or private. Multi-family housing requires 75 square feet of open space per studio and one-bedroom, 100 square feet per 2+ bedroom unit. In buildings with 50 or more units, 25% of this space must be common area and 50% of the common area must be outdoors (19.09). Cottage housing requires 250 square feet of common open space and 200 square feet of private open space per dwelling unit (19.08). Everett also offers incentives for art and open space including one additional square foot of space for each square foot of public open space and one additional square foot per two square feet of public park dedicated or improved and one square foot of area per one square foot of fees provided (one square foot of fees \$7.50 in Mixed Urban zones, \$6.00 in light industrial zones and \$5.00 per urban residential zone) (19.22).

GAPS

- Lynnwood does not have an art incentive and only requires art as part of open space requirements.

Environment

SEPA review thresholds

Washington State sets a default threshold for “minor new construction” that is exempted from State Environmental Policy Act (SEPA) review (WAC 197-11). By default, this threshold is set at 4 housing units and commercial or office projects with a gross floor area of 4,000 or less and parking for 20 automobiles or less, but local jurisdictions are allowed to raise this threshold to an established exemption maximum. Everett and Snohomish County have raised this threshold to the maximum allowed in the urban growth area for multi-family and commercial/office, 60 units of multi-family housing, and 30,000 square feet and 90 parking spaces (SCC 30.61 and EMC 19.43). Lynnwood has not opted to change its threshold and so has the state default of 4 units of multi-family housing and 4,000 gross floor area of commercial/office development, subjecting far more projects to environmental review.

GAPS

- Lynnwood has a much lower threshold for SEPA review than Snohomish County and Everett.

Transportation

Sidewalk standards

All three jurisdictions require sidewalk upgrades to current standards for new construction, but those standards vary considerably within and between jurisdictions. While all three require a minimum of at least five feet everywhere, they also have sections that require larger and more elaborate sidewalks. Snohomish County has only minimal requirements set out in the Engineering Design and Development Standards. These standards require five-foot sidewalks in single-family residential zones and seven-foot sidewalks everywhere else.

Everett varies minimum sidewalk requirements by street classification. Streets designated TOD, Pedestrian, Connector and Residential Mixed-Use require a walkway between 10-16 feet, which includes frontage and furniture zones. All streets that are undesignated must have a minimum width of six feet.

Sidewalks in Lynnwood must be at least five feet, but design and zoning guidelines often require greater widths and amenities. City Center zoning has a variety of requirements for several streets in the area; some must be 12', five feet of which is a tree well zone for street trees while others must be 16' with five-foot tree pits.

GAPS

- Everett has a higher minimum requirement of six feet compared to five feet in Lynnwood and Snohomish County.
- Snohomish County has only a general minimum sidewalk standard and does not require wider or more elaborate sidewalks in areas with potentially high pedestrian traffic.
- Lynnwood's sidewalk standards are apply only to specific corridors in Lynnwood City Center and the Alderwood City Center Transition Area. Most streets in the city only have the minimum sidewalk requirements regardless of pedestrian traffic.

Complete streets

Some jurisdictions require that new streets be constructed to safely accommodate people walking, bicycling, driving and taking transit often referred to as safe streets. Snohomish County and Everett both have complete streets ordinances but only Snohomish County explicitly requires the construction of bike facilities. Snohomish County's engineering and design standards, as required by the complete streets code (SCC 13.05), requires the construction of bike lanes on streets designated a bikeway in the transportation element of the comprehensive plan as part of any road construction or reconstruction.

Everett does not have a bike plan and the complete streets requirement is not as strong as Snohomish County. Everett's code requires that complete streets elements be incorporated into the City's comprehensive plan (ECC 13.77) but without a bike plan or specific code language, it does not require the construction of a bike network.

GAPS

- Only Snohomish County requires the construction of bicycle facilities.
- Lynnwood does not have any Complete Streets code².

Parking

All three jurisdictions have parking requirements with a variety of reductions that can be applied. Lynnwood requires between 1.25 and 2 parking spots per dwelling unit, depending on the size of the units in multi-family developments. Commercial developments are required to provide an amount of stalls based on their gross floor area (GFA). Mixed-use developments can apply for reduced parking if it can be shown that peak parking requirements vary by day or time of day for the different uses. The Community Development Director may also reduce required parking by up to 20% or increase the proportion of compact stalls if the developer provides empirical evidence that the development will generate less parking demand than other similar uses (LCC 21.18). Within planned regional shopping center zones (most of Alderwood Mall), residential projects must provide one stall per dwelling unit but can only provide a maximum of 1.5 stalls per dwelling unit (21.48).

² Lynnwood is currently working on developing a Complete Streets code

In urban center zones, Snohomish County has both minimum and maximum parking requirements. Residential projects in urban center zones over 1,000 square feet must provide 1.5 stalls per dwelling unit and can include a maximum of 2.5 per dwelling unit and developments under 1,000 square feet must provide one stall per unit and can include a maximum of 1.5 per dwelling unit. Other residential developments generally require two stalls per dwelling unit. Generally commercial parking requirements are based on net square feet. Projects may apply for a reduction of up to 40% of required stalls if they can demonstrate sufficient alternatives to automobile use are provided. Property owners may also jointly use parking spots, similar to the provisions for shared parking in Lynnwood (30.26).

Everett's residential parking requirements vary based on where they are located. Within the Metro Everett subarea, which covers a substantial portion of the Everett station area, developments must provide between 0.85 and 1.90 stalls per dwelling unit depending on the number of bedrooms and if the project is located in area A or B of the subarea. Outside of Metro Everett, projects are required to provide between 1.00 and 2.00 stalls per unit depending on number of bedrooms. Multi-family projects can choose to apply for one of several reductions including low income units (35-50%), access to frequent transit (25%), TDM plan (10%) or shared parking (50%) (19.34.025). Commercial parking requirements are generally set based on gross floor area (19.34.020). Nonresidential uses are not required to provide off-street parking in Metro Everett Area A if they fulfill certain requirements. Nonresidential uses in Area B may have their parking requirements reduced by up to 25% at the discretion of the City Engineer if a TDM plan is provided and the engineer finds that the reduction will not cause a significant adverse impact to nearby residents and businesses (19.34.050).

GAPS

- Snohomish County has the highest parking reduction factor for market rate units available—up to 40% for multi-family units.
- Everett has the highest parking reduction for nonresidential projects in Metro Everett Area A where non-residential parking is not required.
- Everett is the only jurisdiction that provides parking reductions for low-income units.
- Snohomish County requires commercial parking based on net square feet in station areas while Everett and Lynnwood generally use gross floor area.

Utilities

Electrical undergrounding

Snohomish County requires new urban residential electric lines to be underground unless they are abutting existing above ground lines (SCC 30.23A). Lynnwood requires all new electrical wires to be placed underground if the lot is developed or redeveloped in the City Center subarea (LMC 12.20); similar regulations for West Alderwood are anticipated. Everett only requires undergrounding as part of the subdivision regulations (EMC 19.26).

GAPS

- Everett does not require undergrounding outside of subdivision requirements.

GAP 3: GAPS BETWEEN BEST PRACTICES AND EXISTING REGULATIONS

Gap 3 identifies gaps between transit-oriented development best practices and existing regulations. Best practices were identified by creating a list of TOD principles drawn from research from a variety of sources nationwide including the FTA, Urban Land Institute, Center for Transit Oriented Development, and Sound Transit Station Experience Design Manual (currently under development). The broader principles here were developed together with questions related to development regulations and potential strategies for implementation and reviewed with all three jurisdictions. These principles were then compared against the existing regulations in the three jurisdictions to identify where gaps exist.

TOD Principles

Urban Form, Uses and Development Intensity

URBAN FORM

1. Encourage compact block patterns that promote access and pedestrian activity.
2. Encourage block size to support walkable urban scale and mixed-use development pattern.
3. Orient buildings toward the street with limited setbacks and create active building edges along pedestrian streets.
4. Create or strengthen street patterns to support urban form.
5. Integrate parks and public spaces as high-visibility focal points, and placemaking features at the center of TOD areas.

MIXED-USE DEVELOPMENT

1. Create a framework for mixed-use development in station areas that allows for flexibility in design.
2. Encourage a range of employment opportunities and neighborhood-serving businesses through complementary uses to support activity at different times of day and easy access to local services, and to help create complete neighborhoods around transit.

DEVELOPMENT INTENSITY

1. Focus employment and population growth around transit with higher intensity mixed-use development.

MARKET CONDITIONS

1. Adopt local zoning that supports future market conditions.

Multimodal Connectivity and Access to Transit

STREET USE

1. Create street design standards and guidance that prioritizes pedestrians and bicyclists near transit.
2. Designate street types to support intended functions and design of transit and pedestrian corridors near stations.
3. Strengthen connections to streets and public spaces through design standards and/or guidelines for new development near transit.
4. Provide sidewalks of adequate width to accommodate street furniture, landscaping, and amenities along the building frontage, as well as expected pedestrian volume.
5. Allow street and sidewalks to provide flexibility on a variety of uses and amenities such as pick up/drop off zones, loading areas, parklets, bicycle or car parking, or street dining.

BIKE AND PEDESTRIAN ACCESS

1. Provide direct, clear connections to/from station entrances and other modes of travel.
2. Create a complete bike and pedestrian network around transit.
3. Expand accessibility beyond Americans with Disabilities Act (ADA) requirements in the public realm and in new development.
4. Support a safe, comfortable and active pedestrian realm.
5. Focus on uses that benefit from transit adjacency and reduce dependency on the automobile to cover essential needs.
6. Minimize conflicts between local access functions such as service and loading and priority access modes.
7. Site bicycle facilities to reduce potential for conflicts with vehicles and pedestrians.

PARKING ACCESS, REQUIREMENTS AND MANAGEMENT

1. Site parking facilities to support activated development and public realm adjacent to a station.
2. Minimize the impact of parking structures on the pedestrian realm.
3. Minimize land area dedicated to off-street parking and driveways near stations.
4. Maximize the utility of parking supply through parking management.

Infrastructure Needs to Support TOD

UTILITIES

1. Ensure electrical infrastructure is resilient and does not obstruct pedestrian or bicycle paths.
2. Screen utilities and service uses from public view and avoid locating them along the street frontage (e.g. water meters and refuse storage areas).
3. Incorporate TOD-related growth into future utility capacity.
4. Integrate low impact development strategies into regulations for new development.

ENVIRONMENTAL SUSTAINABILITY

1. Integrate sustainable building and design principles into development in TOD areas.
2. Establish sustainability goals for station areas (e.g. green building or community protocols like LEED for Neighborhood Development [LEED ND] or EcoDistrict Certification)

Public Realm to Support TOD

SAFETY AND SECURITY

1. Create a safe, secure and comfortable environment along and between buildings.
2. Implement Crime Prevention through Environmental Design (CPTED) principles to ensure clear sightlines and “eyes on the street” for pedestrian safety.

ACTIVE PARKS AND PUBLIC SPACES

1. Consider smaller more active and programmed public spaces and plazas over larger passive open spaces in TOD areas.

PUBLIC ART

1. Create a sense of place with public art integrated into streets, public spaces, landscaping and buildings.
2. Adopt a funding mechanism for public art and create a clear selection process that engages the local community in the design or selection of public art.

Affordable Housing and Equitable TOD

EQUITABLE DEVELOPMENT

1. Adopt anti-displacement measures and strategies to help existing lower-income residents remain in affordable housing.
2. Encourage uses and services near stations that serve a diverse level of incomes, household types and cultural affiliations reflecting the surrounding community.
3. Create commercial stabilization programs to serve locally significant small business and cultural uses.
4. Create spaces for small businesses, artisans and cultural uses in new development near transit.

HOUSING INCENTIVES TO PROMOTE EQUITABLE TOD

1. Incentivize or mandate affordable and mixed-income housing near stations.
2. Target local affordable housing resources to station areas.

COMMUNITY FACILITIES AND USES

1. Co-locate key community and social services near transit stations to facilitate access for those with limited mobility options.

PRIVATE SECTOR PARTICIPATION

1. Actively engage the development community and build public-private partnerships to facilitate development near stations.
2. Promote Joint Development of TOD around station areas in a variety of forms:
 - Adjacent Development
 - Air Rights
 - Integrated Development
3. Coordinate station area development with community groups, adjacent property owners and public agencies to ensure a well-designed and intentional place.

Urban Form, Uses and Development Intensity

Everett

URBAN FORM

Regulations Summary: The City of Everett has Building Design Standards for multi-family and mixed-use development in Chapter 19.09, including design requirements to help create a distinct urban form.

Gaps: Design standards in the Unified Development Code do not include site design standards for larger properties that could benefit from new pedestrian connections and physically permeable frontages to break up larger sites.

MIXED-USE DEVELOPMENT

Regulations Summary: Mixed-use development is permitted in a wide range of zones in Everett. According to Chapter 19.05 of Everett's Unified Development Code, any uses permitted within one zone can be located within the same development project, but the project is subject to the highest level of review. Traditional mixed-use projects that collocate residential and commercial within the same building are permitted in all of Everett's commercial zones (NB, B, MU), the LI1 zone within Metro Everett, with some limited opportunity for mixed use along Residential Streets in the UR4 district. Most of the specific provisions for mixed-use development are in mixed-use parking reductions in 19.34.

Gaps: Everett emphasizes active uses on the ground level along designated TOD and Pedestrian Streets in Metro Everett, but does not permit key services that could benefit transit riders and the broader community. This includes several government and quasi-institutional uses in 19.05.110 and commercial uses in 19.05.090 that benefit from proximity to transit to create more equitable access, including, but not limited to, community and social services, clinics and food banks.

DEVELOPMENT INTENSITY

Regulations Summary: Everett regulates building heights throughout the city through a height map in 19.22.150, rather than by zoning district. The City has a base maximum height and a bonus maximum height in each height district. The Development Height Incentives Program described in 19.22.080 includes a range of height incentives that allow for increases in building height up to the bonus maximum height.

Gap: Height incentives may be ineffective in certain areas where development at the allowable bonus height tends to be financially challenging. This is particularly true for the 7-11 story height range immediately around Everett station and the 7-9 story height range on Evergreen Way. Because the maximum height for wood-framed buildings in the 2018 International Building Code amended for Washington State is 75-feet, buildings over 7 stories typically require steel framing. The cost of steel-frame construction compared to wood-frame construction means development at this scale is not typically financially viable, and incentives that push building heights into that range are unlikely to be used by developers.

MARKET CONDITIONS

Regulations Summary: Everett has set of fees designed to disincentivize long-term vacancies in commercial spaces. The fees in Section 16.16.070 of the City's code range from \$250 for a space that has been vacant for less than a year to \$1,000 for a retail space that has been vacant for three or more years.

Everett restricts less active ground floor uses along certain street designations in 19.05.080. The City's TOD Streets emphasize active ground floor uses and limit residential uses to 25% of the ground floor. Ground floor office and live/work units are both allowed on TOD streets, and can act as a transitional street level use, while the market in downtown Everett may not currently support street-level retail and restaurant uses on all TOD Streets.

Gaps: The City should closely monitor whether retail space on the ground floor of new development is occupied in the near term. If new spaces are vacant or developers are reluctant to construct ground-level commercial spaces, the City could consider allowing ground-related residential units that are built to commercial standards and provide flexibility for conversion to space for active commercial uses in the future.

Lynnwood

URBAN FORM

Regulations Summary: Lynnwood has various sets of design guidelines that help establish a define built form for new development, with specific guidelines for the Alderwood City Center Transition Area, City Center, and Highway 99 as well as Citywide Design Guidelines.

Gaps: Lynnwood has attempted to break up large blocks in City Center with new streets and roadway extensions, many of which are still unrealized, because of the cost of full public streets with on-street parking, travel lanes, curb and gutter, and sidewalks. Because of the cost of new streets, the City could consider integrating design guidelines to create new pedestrian connections through larger sites, rather than creating formal streets for cars. Lynnwood could also explore ways to encourage developers to create pedestrian alleyway connections that address access requirements for fire safety and other services.

MIXED-USE DEVELOPMENT

Regulations Summary: Lynnwood permits residential use development as residential on the upper stories of commercial ground levels in the City's Commercial Zones. The Planned Commercial Development (PCD), Neighborhood Commercial (NC) zones, and in certain parts of the General Commercial (CG) zone all allow residential development in Section 21.46.116. The Planned Regional Shopping Center (PRC) zone also permits this form of mixed-use development by extension, as the uses permitted in the NC and CG zones are also permitted in the PRC zone in Section 21.48.100. Lynnwood's Commercial-Residential (CR) zone is also specifically intended for a similar forms of mixed-use development, with all uses permitted in the City Center zones also permitted in the CR zone, and multi-family housing permitted only as part of a mixed-use building in Section 21.54.100. The Alderwood-City Center Transition zone (ACC) allows for a range of uses including various commercial uses and multi-family residential development in Section 21.61.250, but does specifically permit mixed-use development, so it is unclear if multiple permitted uses can be located within the same building.

Gaps: Lynnwood has a narrow definition of mixed-use that defines not only what uses can be incorporated into the same project, but how those uses are integrated into a single building. Mixed-use development could be defined more broadly to allow a wider range of uses in the building, and to allow for both horizontal and vertical integration of these uses into a development project.

Lynnwood has very few differences in permitted uses between the various zones that allow commercial and mixed-use development, and the City could consider consolidating zones to create more uniform use standards. If heights are a primary consideration in zoning designations, Lynnwood could consider utilizing a height map to regulate building heights, while keeping uses and design considerations fairly consistent across certain zones in the city.

DEVELOPMENT INTENSITY

Regulations Summary: Lynnwood's City Center zone has a system of floor-area-ratio bonuses in Table 21.60.2 for desirable features like public plazas and promenades, LEED certification,

structured and underground parking and other desirable design features. The primary restrictions on development intensity in the City Center zones is FAR in Chapter 21.60, with a base of 2.0 for nonresidential uses and 3.0 for residential uses, and a bonus FAR maximum of 3.0-8.0 for nonresidential uses, and 5.0-10 for residential uses. The City has unlimited height in the PRC and PCD zones. In multi-family residential zones, maximum heights are low, at 35 feet for the RML and RMM zones, but the RMH zone permits unlimited height (Chapter 21.43). The ACC zone also has variable maximum heights ranging from 50 to 120 feet (Chapter 21.61). The City has also enacted a multi-family property tax exemption in Chapter 3.82 of the City's code as an incentive for the creation of new multi-family housing in the regional growth center.

Gaps: Although Lynnwood allows more vertical development with fairly high FAR in various zones throughout the city, development intensity is heavily constrained by restrictive lot coverage limits in Multiple Family Residential zones, and Neighborhood Commercial and General Commercial Zones. Chapter 21.18 details parking requirements for multi-family units, with 1.75 spaces required per one-bedroom unit, 2 spaces per 2-3 bedroom unit, and 1.25 – 1.5 spaces per efficiency based on square footage of the unit. Together with open space requirements of 200 square feet per unit, Lynnwood's residential development standards require that an average of 770 square feet of space be set aside for parking and private recreation. These regulations overlap to require that roughly the same square footage for each one-bedroom unit is consumed by unleaseable space and reduce the buildable area. Though there is not much undeveloped land that has these zoning designations, these standards may be a concern for redevelopment or if these zones are expanded.

MARKET CONDITIONS

Regulations Summary: See *Mixed-Use gap for Lynnwood*. Lynnwood requires ground level commercial or office as part of mixed used development in Commercial and PRC zones.

Gap: While office uses can occupy the ground level before the market can absorb more ground-floor retail space, Lynnwood could also consider expanding which other ground level uses are allowed as part of mixed-use development such as live/work units and other ground-related residential units built to commercial standards where appropriate. The narrow definition of mixed-use Lynnwood uses for commercial zones in Chapter 21.46 includes primarily commercial and office uses, which does not clearly include community and social services, typically defined as institutional uses in the Lynnwood Municipal Code. Lack of clarity may make it more difficult to site these uses.

Snohomish County

URBAN FORM

Regulations Summary: Snohomish County has design standards for development in Urban Center (UC) zoning district in Chapter 30.34A of the County's Unified Development Code. These standards provide some guidance in terms of form, including massing, articulation and step-backs.

Gaps: Design standards for the UC zone could include more consideration of site design and integrate important elements of the natural environment into the design of new development. The County could also benefit from site design standards and/or guidelines for larger sites that could be broken up with new pedestrian connections that help create a more permeable frontage and site. These spaces could help create a more compact block pattern without dedicating more space for vehicles.

MIXED USE DEVELOPMENT

Regulations Summary: The County's Urban Center Zoning District (Chapter 30.34A) allows for mixed use development that includes residential and nonresidential uses. Mixed use is defined broadly for the UC zoning so that half the buildings in a four or more building development with single-use buildings are non-residential and half are residential, or one building in a three or fewer building development has a ground floor devoted to nonresidential uses. Mixed-use development, while possible in the County's General Commercial zoning district, would not benefit from floor area incentives available for mixed-use development in the UC zone.

Gaps: Snohomish County does not permit live/work spaces, which could occupy the street level of new development before the local real estate market is ready and can support ground floor retail, restaurant and entertainment uses, without leaving vacant commercial fronts.

DEVELOPMENT INTENSITY

Regulation Summary: Snohomish County regulates development in Urban Center Zones in Chapter 30.34A of the Unified Development Code. The minimum FAR in Urban Center zones is 0.5, and the UC zone allows for vertical development, with a maximum permitted building height of 90 feet, or 125 feet with the County's bonus height for transit proximity. FAR maximums in the Urban Center zone are 1 for mixed use and 0.75 for single-use development, with a set of bonuses for additional floor area up to 3.75 for mixed use development and 2.5 for single-use development. The set of floor area bonuses the County offers developers are for structured parking, affordable housing, community gardens, covered civic space, daycare, green roofs, 1% to public art, public plazas, solar panels and TDR.

Gaps: FAR minimums in the UC zoning district are low for the denser urban development intended for these districts and do not ensure that new development matches the intent of the zoning district. Low density auto-centric development still fits in this FAR minimum given parking requirements for retail and office in UC zones. Multi-family development in UC zones may be less attractive to development because parking and open space requirements per unit together average to about 590 square feet per unit.

Height bonuses for transit proximity may not be an effective incentive because they push permitted height to 90 – 125 feet, which is above the maximum height for a wood-framed buildings set by the 2018 International Building Code amended for Washington, meaning that the buildings would require steel-frame construction at a height where it is rarely financially viable. Some FAR bonuses are unlikely to be an effective incentive, in particular the 0.5 FAR bonus for 75% or more of parking in a structure may not be sufficient based on cost to the developer.

MARKET CONDITIONS

Regulations Summary: Snohomish County requires a minimum structural ceiling of 13 feet for ground-floor residential within five feet of a public road within Urban Center (Chapter 30.34A) zones to provide the opportunity to future conversion to nonresidential use. The County's Urban Center zoning district also allows for either horizontal or vertical integration of uses within mixed-use development.

Gaps: No major gaps were identified. The County allows for flexible mixed-use developments and higher minimum structural ceilings for ground floor residential to enable conversion to ground floor retail later when market conditions support it. Live/work lofts are currently not permitted but could provide an interim use before the market can support full ground floor commercial.

Multimodal Access to Transit

Everett

STREET USE

Regulations Summary: Streets within Everett can be designated as a TOD Street, Pedestrian Street, Connector Street or a Residential Mixed-Use Corridor. Streets with one of these designations have sidewalk standards that are more substantial than the simple 6 feet required for undesignated streets. TOD and Pedestrian Streets are required to be 16 feet wide and include a frontage and landscape/furniture zone, Connector Streets must be 12 feet with a landscape/furniture zone and residential mixed use must be 10 feet with a landscape/furniture zone (19.33.030).

Any new commercial or industrial construction or additions and reconstruction past a certain threshold and new residential development of three or more units (or at least one unit in a designated sidewalk priority area) must bring the streets and sidewalks to these standards (13.68.020). Many of the streets around the future Everett station area are designated as TOD and Connector Streets and the downtown area is mostly Pedestrian Streets. As this area redevelops, sidewalk areas will be expanded to accommodate landscaping, furniture and amenities and provide a safe pedestrian environment near the station area.

Gaps: Everett has a requirement to incorporate complete streets that accommodate pedestrians, cyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities into their comprehensive plan (13.77.030). There are currently no streets that designate safe bike access as a priority and no streets designated for transit priority. Areas outside of the Everett station and downtown only have a few streets with sidewalk standards that provide adequate room for higher pedestrian traffic and amenities.

BIKE AND PEDESTRIAN ACCESS

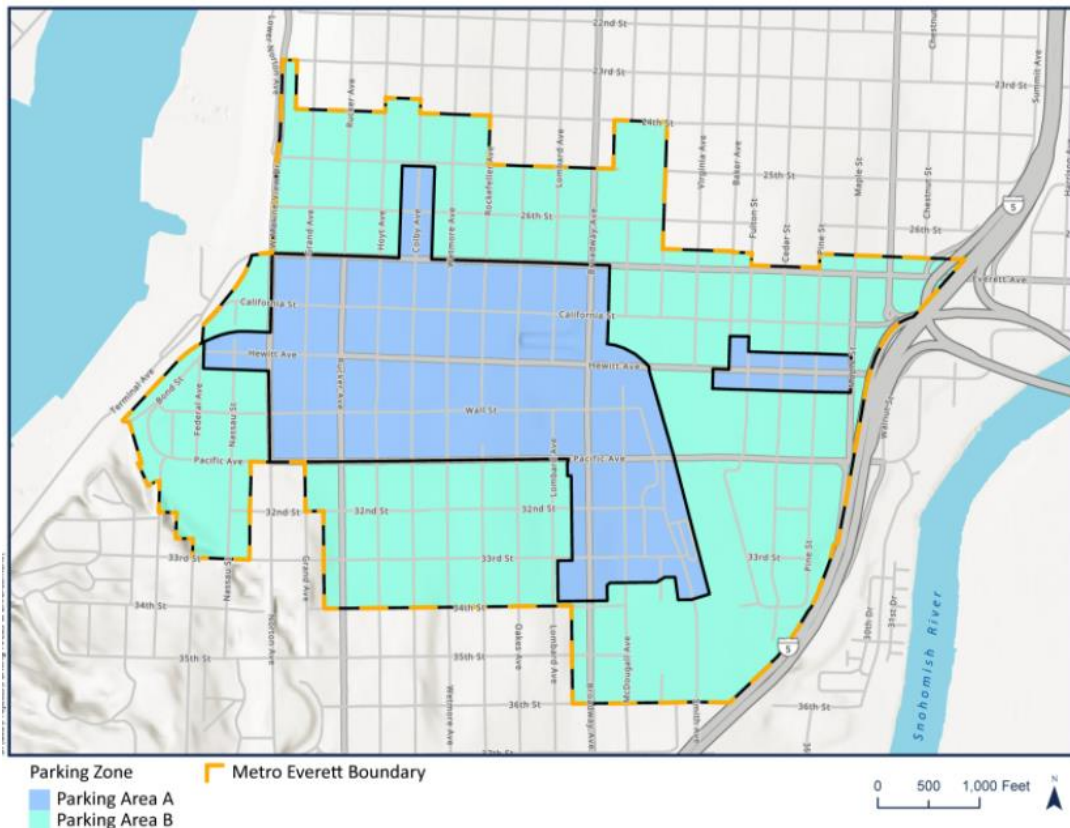
Regulations Summary: The streets in the Everett station area have standards that call for wide sidewalks and amenities but few streets in the other station areas within the city have standards that require adequate width and amenities. The City could expand these street designations with higher sidewalk standards to more of the streets around the other proposed station locations in Everett.

Gaps: Everett's bike plan is not written into its code to require the construction of planned facilities. Everett could require the construction of bike facilities during major road reconstruction or maintenance in code if they are on the bike plan. Sidewalk standards in the SR 99/ Airport, SW Everett Industrial Center and SR 526/Evergreen station areas are narrow and few streets are required to have room for furniture and amenities or to accommodate robust pedestrian traffic. Everett does not have an existing bike network or requirements for bike facility construction during street reconstruction.

PARKING ACCESS, REQUIREMENTS AND MANAGEMENT

Regulations Summary: Everett has a comprehensive set of parking reductions for certain types of development and exceptions for parking requirements in specific areas where the emphasis of the transportation system is on transit, walking and biking. These provide for substantially reduced parking, particularly in the City’s Metro Growth Center, and could serve as a model for parking regulations in other partner jurisdictions.

Parking Exceptions: Everett has exceptions to the City’s off-street parking standards in 19.034.050 of the Unified Development Code. The exceptions to off-street parking requirements are available for nonresidential uses in the in two parking areas: Area A and Area B that cover the Metro Everett Subarea. In Parking Area A, nonresidential uses are not required to provide off-street parking, with the exception of government uses that can provide a parking management study and plan. Development that fits these criteria may still be required to provide bike parking. In Parking Area B the nonresidential off-street parking requirements are reduced by 25%. Historic buildings are also exempt from parking requirements, and requirements can be waived for accessory dwelling units near transit or that meet other requirements. These parking areas are shown in the map below.



Reduced Multi-Family Requirements: Everett has reduced parking requirements for multi-family housing within the Metro Everett subarea in 19.34.025. Metro Everett is divided into two zones, which have their own parking requirements as shown in the table below:

Off-street Parking by Unit (Bedroom) Size:	Metro Everett Parking Areas (See Map 34-1) Spaces per Dwelling Unit		Outside Metro Everett Spaces per Dwelling Unit
	Area A	Area B	
Studio	0.85	1.00	1.00
1-bedroom	1.00	1.00	1.00
2-bedroom	1.20	1.40	1.50
3- or more bedrooms	1.60	1.90	2.00

Parking Reductions: The City also includes three options for parking reductions in 19.34.025, for which a TDM plan is required. Only one of the options below can be used on a single development:

- Option 1: Low income units (below 60% AMI) require 65% of the parking required for market rate units and very low-income units (below 30% AMI) require 50% of the parking required for market rate units.
- Option 2: Units with is frequent transit access (3 daytime trips per hour) require 75% the required parking, and development with a TDM plan would require 90% of the parking that would normally be required.
- Option 3: Multi-family units with shared parking (where at least 50% of GFA is nonresidential) have a parking requirement that is reduced by 50%.

Shared Parking: Everett has a permitting process for shared parking defined in 19.34.070, with an up to 50% reduction with an approved transportation demand management plan for mixed-use residential uses or sharing between daytime and nighttime uses, and churches and schools or other uses at the discretion of the City Engineer.

Transportation Demand Management: The City of Everett, in 19.34.080 of the Unified Development Code requires a transportation demand management plan for buildings with more than 50,000 square feet of gross floor area, or substantial renovations to buildings of that size that involve a use change. A TDM plan is also required for developments with an allowed exception or any developments with exceptions or reductions in off-street parking under 19.34.050 and 19.34.060.

Reductions for Other Mobility Options: Everett has a number of provisions that allow for reductions in off-street parking requirements in 19.34.060 of the Unified Development Code for space dedicated to other mobility options. The Planning Director and City Engineer may approve reduced off-street parking with a parking study that demonstrates that a lesser standard is necessary. Further reductions are included in the City's code for the following.

- Car share spaces: reduction of 4 spaces for 1 car share space, up to 10% of required parking spaces;
- Motorcycle parking: reduction of 1 space for 1 motorcycle space, up to 5 required parking spaces;
- Bicycle parking: reduction of 1 parking space for 5 bike parking space beyond what is required, up to 5 required parking spaces;
- Mixed Use projects: 5% reduction in the parking spaces required for all uses in the development

Gaps: Parking reductions in Metro Everett only allow developers to choose one reduction based on affordability, transit access, or shared parking. While this prevents compounding parking reduction factors for the same units, it also only allows developers to apply one affordability based factor (either 30% AMI or 60% AMI) as written in the current EMC. The affordability reduction factor may also offer limited benefit to a developer building mixed-income housing, with a reduction to parking requirements only for a certain percent of units, and would preclude them from using reductions for proximity to transit on other units. In situations where developers would expect a similar reduction from either the transit proximity or affordable housing parking reduction, they may be less inclined to meet the affordable housing requirement or payment in lieu, thus reducing community benefits.

Similar parking exceptions to those in Metro Everett could be applied to other station areas in the city that are intended to be more transit-oriented. Parking maximums could also be integrated into parking requirements as an effective way to discourage auto-oriented development and/or oversupply of parking in new development around transit.

Lynnwood

STREET USE

Regulations Summary: The City of Lynnwood has street designations for major streets in and around the City Center in 21.60.500 of the Lynnwood Municipal Code.

Gaps: Because the geographic scope of these designations is limited, some street types are assigned to only one street, for example 42nd Avenue W is the only Grid Street and 198th Street SW is the only Promenade Street. The City could benefit from a more comprehensive approach to street types that includes more of the public streets in the Lynnwood Regional Growth Center. Street types could also integrate baseline standards for undesignated streets. Standards for rights-of-way and roadway widths could be included in standard drawings and engineering standards, while the designations as written into the code could focus on the pedestrian facilities and clearly define frontage, pedestrian, and planting/furniture zones with visual illustrations of the intended street configurations.

BIKE AND PEDESTRIAN ACCESS

Regulations Summary: The City of Lynnwood has guidelines for pedestrian connections in its Citywide Design Guidelines. The guidelines focus primarily on ensuring adequate and direct pedestrian access is integrated into site design for new development.

Gaps: Citywide design guidelines do not address minimizing potential conflicts between pedestrians and vehicles and between service functions and a safe and comfortable pedestrian realm.

Regulations Summary: Bike parking is included in the Citywide Design Guidelines and the Lynnwood Municipal Code. Bike parking is included in section 21.18.855 Lynnwood Municipal Code, which includes a parking reduction for bike parking at a rate of 1 parking stall to 5 bike parking stalls and standards for the location of bike racks to ensure they are usable.

Gaps: The citywide guidelines could include more specific guidance on how bicycle facilities should be integrated into the design of new development. Lynnwood could consider a requirement for bike parking in areas where cyclists and pedestrians are prioritized and encourage more biking near transit facilities. The Lynnwood Municipal Code could include details on the types of fixtures permitted or preferred, particularly where this parking is publicly accessible (e.g. two points of contact with the frame). Street type designations with defined landscape/furniture zones could help clarify appropriate placement within the public right-of-way.

PARKING ACCESS, REQUIREMENTS AND MANAGEMENT

Regulations Summary: The City of Lynnwood's capacity requirements for parking are listed in Chapter 21.18. The City's 20% administrative parking reduction in 21.18.820 offers some flexibility in terms of parking requirements and is frequently used with new development. The City's definition of lot coverage in 21.02.490 is the portion of the lot occupied by principal and accessory buildings but does not include surface parking or covered parking that is not enclosed within a structure. The lot coverage for structured parking is reduced to 50% of the ground level in the City's Planned Regional Center, General Commercial, and Planned Commercial Development zones.

Gaps: While the existing requirements may match current demand, parking requirements could be right-sized to fit changing demand as the area transitions to TOD. Currently, parking requirements together with low lot coverage limits in some zones, for example 35%-45% in Multiple Family Residential zones and 35% in Neighborhood Commercial and General Commercial Zones, incentivize larger surface parking areas, and small building footprints in zoning districts that might otherwise be supportive of TOD.

Snohomish County

STREET USE

Regulations Summary: Snohomish County's only sidewalk and street design standards are in the Engineering and Design Development Standards (EDDS) and they have only basic requirements. The standards require five-foot sidewalks in single-family zones and seven-foot widths everywhere else. While basic sidewalks are required for new development everywhere (30.24.080), the standards do not require adequate width anywhere to accommodate amenities and greater pedestrian traffic. The code does require, through the EDDS, that bike facilities be installed during road construction, reconstruction or frontage improvements if they are a designated bikeway in the comprehensive plan (13.05).

Gaps: Snohomish County could consider street standards that include wider sidewalks with designated furniture and frontage zones for streets in the County's Urban Center zones. County complete streets code could also be strengthened by incorporated cycle tracks protected from cars with bollards or other barriers into the EDDS. Street requirements should be integrated into the County Code as well as the EDDS.

BIKE AND PEDESTRIAN ACCESS

Regulations Summary: Snohomish County code does not currently require or encourage adequate pedestrian infrastructure and current code does not encourage the development of a strong network in station areas.

Gaps: Snohomish County could establish street typologies that require a standard width and amenities for new sidewalk construction. Clear standards would help the station areas develop a robust network of pedestrian infrastructure to allow for better access to and from the stations.

PARKING ACCESS, REQUIREMENT AND MANAGEMENT

Regulations Summary: The County's Urban Center zones require significantly less parking than other zoning districts and have maximum parking limits. Residential uses in UC zones are required to provide a minimum of 1.5 and a maximum of 2.5 stalls per dwelling unit if the development is over 1,000 square feet and a minimum of one and maximum of 1.5 in developments under 1,000 square feet. Residential uses in other zones require 2 stalls per unit with cottage housing requiring additional guest parking (30.26.030). Nonresidential uses also have minimum and maximum parking requirements in urban centers (30.26.032). Developments may get up to a 40% reduction in required parking if the applicant can demonstrate that effective alternatives to automobiles will be provided (30.26.040).

Gaps: It is not clear in the code how applicants demonstrate effective alternatives to automobiles, what factors are considered in that determination by the County, and what materials applicants should submit to demonstrate these effective alternatives.

Infrastructure Needs to Support TOD

Everett

UTILITIES

Regulations Summary: Everett has comprehensive design standards that require screening for structured parking in Chapter 19.12 of the City's Unified Development Code.

Gaps: The development code does not include requirements for where refuse and recycling storage, mechanical equipment and utility meters should be located or how these areas should be screened or treated to reduce impacts on the pedestrian environment.

Regulations Summary: Everett encourages the use of Low Impact Development (LID) stormwater management facilities in section 19.35.130 of the City's Unified Development Code.

Gaps: LID principles are integrated into landscaping requirements, but not in site and public space design for new development, where LID principles could help manage stormwater as part of new development. Many LID best practices apply to site design so requirements that only focus on landscaping may mean that developers are not taking full advantage of LID best practices.

SUSTAINABILITY AND CLIMATE ACTION

Regulations Summary: The City of Everett incentivizes green building to LEED standards with height bonuses in Section 19.22.080 of the City's Unified Development Code, with an additional 50% the maximum height in the zoning district for LEED Gold or 100% of maximum height for Platinum.

Gaps: Everett maintains some flexibility in these standards, allowing equivalent standard or certification to LEED, but could consider different certification protocols for green building or net zero development.

Lynnwood

UTILITIES

Regulations Summary: Lynnwood has landscape screening requirements for parking, service and outdoor storage and display areas in Section 21.08.350. Required landscaped screening areas are 10 feet or 15 feet wide with one small tree per 15 linear feet or one medium tree per 22 linear feet of frontage. Exterior service areas, including refuse and recycling and mechanical equipment have required setbacks from public streets in the Lynnwood City Center Zone (21.60), and three sides of enclosure with a 7-foot masonry wall. Other zones have less expansive requirements for service areas, such as the setbacks from various property lines in the Planned Regional Shopping Center zone (19.48).

Gaps: Lynnwood lacks consistent requirements to screen services areas and mechanical equipment for denser development, although the City does require landscaped buffer areas for some service functions. Screening services, utilities and mechanical equipment areas and keeping them away from public rights-of-way could be articulated more clearly in the code, with more uniform standards across different zoning districts.

Regulations Summary: Lynnwood encourages Low Impact Development practices as part of landscaping in the City's general landscaping standards in Section 21.08.300, and references LID practices consistency with technical guidance from stormwater guidelines and the City's comprehensive plan in relation to stormwater management in Chapter 13.40.

Gaps: LID principles are integrated into landscaping requirements, but not in site and public space design for new development, where LID principles could help manage stormwater as part of new development. Many LID best practices apply to site design so requirements that only focus on landscaping may mean that developers are not taking full advantage of LID best practices.

SUSTAINABILITY AND CLIMATE ACTION

Regulations Summary: Lynnwood offers FAR bonuses in exchange for various levels of LEED certification in the City Center zone in Chapter 21.60 of the Municipal Code. Lynnwood allows a FAR increase of 10% for LEED Silver projects, 25% for Gold and 40% for Platinum.

Gaps: These bonuses only apply to development in the City Center Zone (Chapter 21.60) but there are no other green incentives or requirements outside of City Center.

Regulations Summary: Lynnwood has vegetative buffer requirements for parking lots, service areas, and between different zones on adjacent properties that may be less compatible with one another in 21.08.350 and 21.08.400. Lynnwood's Citywide Design guidelines include additional buffer requirements for parking, particularly along the public street frontage in the Parking Lot Landscaping Section. The Citywide Guidelines Site Landscaping section calls for landscaping in all areas not dedicated to site improvements or other landscaping standards and the Natural Features/Green Corridors section of the guidelines encourages retention of existing significant trees with a reduction in required landscaping and tree retention area for 20% of significant

trees retained within the development. The City also has street tree standards in special street frontage requirements (21.06).

Gaps: All of these layered landscaping requirements can help create tree canopy, but buffering between zones along site and rear yard concentrate vegetation along the edges of properties, which can result in more loss of tree canopy as lots are consolidated for larger development projects. While the City has tree retention standards in Lynnwood’s Tree Regulations Standards in Chapter 17.15, Lynnwood does not have canopy requirements or specific requirements for landscape areas that are not required for buffering. Standards for minimum canopy or tree plantings in landscape areas could help create more of a complete urban tree canopy.

Snohomish County

UTILITIES

Regulations Summary: Snohomish County, in Section 30.34A.100 of the County’s Unified Development Code requires that refuse and recycling collection and storage areas, mechanical equipment and other service functions be screened from public view and located away from the public right-of-way.

Gaps: Screening options are limited to evergreen plant material and architectural features and could include more specificity in terms of planting requirements as well as options for visual screening like rain screens or less permeable fencing.

Regulations Summary: The County encourages use of Low Impact Development (LID) Best Management Practices in Section 30.25.15, which addresses landscaping.

Gaps: LID principles are incorporated into the County’s general landscaping requirements and design standards for drainage, but not in site and public space design for new development, where LID principles could help manage stormwater as part of new development. Many LID best practices apply to site design so requirements that only focus on landscaping may mean that developers are not taking full advantage of LID best practices.

SUSTAINABILITY AND CLIMATE ACTION

Regulations Summary: Snohomish County offers FAR bonuses for rooftop solar and for green roofs in Urban Center zones in Section 30.34A.035 of the County Code. The County also requires that all County LEED eligible projects meet a minimum of a LEED Gold rating in Section 3.06 of the County code.

Gaps: The County does not have requirements or incentives for green building as part of private development apart from the limited FAR incentives in UC zones.

Regulations Summary: Snohomish County’s general landscaping standards require street trees as part of frontage improvements and has tree canopy requirements for new development in all zoning districts that range from 30% canopy in single family subdivisions to 15% in Urban Center residential and mixed-use projects.

Gaps: The County does not have similar standards for tree canopy in commercial areas that are equally important to maintaining a healthy urban tree canopy, especially in locations that are primarily commercial, including areas along SR 99.

Public Realm to Support TOD

Everett

SAFETY AND SECURITY

Regulations Summary: The City of Everett does include requirements for landscape design for crime prevention as part of Type II review in Section 19.35.130 of the City’s Unified Development Code. Everett also addresses some elements of crime prevention through environmental design (CPTED) through its development standards that intend to provide comfortable and safe spaces between buildings, with clear entrances, legible public spaces, and lighting.

Gaps: The design standards included in Everett’s Unified Development Code could include some further consideration of CPTED principles particularly for recessed entryways and the plaza and forecourt design standards included in the City’s code. The intimate public spaces that the City’s designs standards strive to create often require explicit consideration of natural surveillance, clear sightlines to and from building entrances, and even-ness of lighting in public spaces.

ACTIVE PARKS AND PUBLIC SPACES

Regulations Summary: Everett offers incentives for public parks created or improved as part of private development as in 19.22.080 of 1 square foot for every 2 square feet of public park.

Gaps: The incentive to developers is too small to drive the creation of new open spaces on development sites, and there is little guidance on how these spaces should be integrated into the street level or in upper levels of buildings. A tailored incentive for public space could help create the plaza and forecourt spaces described in the City’s special design standards in 19.12.140.

PUBLIC ART

Regulations Summary: Everett has an arts program administered by the City’s Cultural Commission described in Chapter 2.95 of the Municipal Code. The City has a Municipal Arts Fund that is administered by the Cultural Commission and is the designated reserve fund specifically for arts and culture. A percentage of municipal construction projects costs is allocated to the fund along with any other money allocated from the general fund.

There is also a development height incentive for public art in Chapter 19.22.080 of the City’s Unified Development Code in the form of a contribution to the Arts Fund with an “in lieu” fee at a rate of \$5.00-7.50 per square foot depending on the zoning district.

Gaps: It is not clear how incentives could be used for public art projects completed as part private development. The incentive is primarily codified as an in-lieu contribution to the arts fund. Any selection of work for private development projects would benefit from a formalized selection process that engages the community and appropriate bodies including the Cultural Commission.

Lynnwood

SAFETY AND SECURITY

Regulations Summary: The City of Lynnwood does not explicitly integrate CPTED principles into its code, but certain goals of the City design guidelines do include some of those principles such as prominent and visible entrances.

Gaps: Lynnwood’s design guidelines and development regulations could include explicit consideration of CPTED principles. These guidelines could emphasize natural surveillance, clear sightlines, clear definition between public and private spaces, and emphasize not only on lighting intensity, but even-ness of lighting public and semi-public spaces.

ACTIVE PARKS AND PUBLIC SPACES

Regulations Summary: Lynnwood requires 200 square feet of open space per residential unit in the City’s higher density multi-family zone, 50% of which must be located outdoors.

Gaps: Lynnwood does not require any of that space to be publicly accessible, and does not offer incentives for creating public space as part of new development.

PUBLIC ART

Regulations Summary: Lynnwood has a Cumulative Reserve Art Fund established in Chapter 3.14 of the Lynnwood Municipal Code. The City allocates one percent of total project costs from municipal construction projects to the Arts Fund at the time of contract or award. The Lynnwood Arts Commission administers the fund and has a set procedure for public art acquisition. This process is relatively closed, using an art selection jury made up of 6 people or a panel of two for small projects.

Gaps: The Commission’s current selection process does not include an established community engagement process, which may be helpful to involve the community in the selection of works that are in prominent locations. Lynnwood does not have incentives for public art integrated into private development or fees in lieu of public art.

Snohomish County

SAFETY AND SECURITY

Regulations Summary: Snohomish County has not explicitly implemented CPTED principles through the County code.

Gaps: Snohomish County’s unified development code does not include elements of CPTED that are particularly important for urban settings, including natural surveillance, clear sightlines and prominent entrances. The County could also consider CPTED principles for the design of publicly accessible open and recreational spaces built with private development in the Urban Center zones.

ACTIVE PARKS AND PUBLIC SPACES

Regulations Summary: Snohomish County has substantial open space requirements for the Urban Center zone. Section 30.34A.070 of the County Code requires 150 square feet per unit, or 2% of nonresidential floor area, 50% of which is required to be publicly accessible and 25% of this area must be consolidated in one location. The code also requires that all developments have “a coherent, clearly defined integrated open space network that links together various open spaces within the project.” This language governs open space within a project, but not between different projects.

Gaps: The County’s requirements can be effective at creating small public and open spaces, but the County could consider requirements for how these spaces are sited and interact with public streets and transit facilities.

PUBLIC ART

Regulations Summary: Snohomish County has an arts program established in Chapter 2.95 of the Snohomish County Code. The program is administered by an arts commission that recommends an annual arts program and selection criteria for artists or works funded through the program. The County has an Arts Fund and a 1% for the Arts program that budgets 1% the cost of all County construction projects to the fund. The County has FAR incentives for a 1% contribution for public art for new development in Urban Center Zones

Gaps: The County does not have an arts selection process established through the County code that involves the community in the area where works of art are planned or funded.

Affordable Housing and Equitable TOD

Everett

EQUITABLE DEVELOPMENT

Regulations Summary: Everett has tenant displacement requirements for MFTE eligibility in 3.78.050 of the City's Unified Development Code. For projects to be eligible for MFTE, applicants must find tenants that may be displaced by the proposed project housing of comparable size, quality and price, and offer reasonable opportunity to relocate. The City does not have other anti-displacement, business stabilization, or relocation assistance programs apart from the specific requirements for MFTE eligibility.

Gaps: Everett does not have a relocation assistance program or anti-displacement measures in place for projects that do not take advantage of the City's 12-year MFTE program. The City also does not have a business stabilization program to help significant businesses continue to operate as they face development pressure. Business that do not own space but lease it from the building owner are especially at risk because they have no control over if the owner wants to sell or redevelop.

HOUSING INCENTIVES TO PROMOTE EQUITABLE TOD

Regulations Summary: Everett has specific requirements for the City's 12-year Multi-family Tax Exemption, requiring 10% of units be affordable for 60% Area Median Income (AMI) and another 10% of units for households at 80% AMI in Metro Everett, Evergreen Way and North Broadway. There are similar requirements for the 12-year MFTE in Everett's Riverfront Area with 10% of units affordable to low-income households and another 10% affordable to moderate income households.

Everett also offers floor area incentives for affordable housing in 19.22.080 of the City's Unified Development Code, with 5 square feet of bonus market rate floor area for every 1 square foot of affordable housing, and a similar incentive for fees in lieu. The City has a special revenue fund for acquiring, constructing and rehabilitating affordable and supportive housing funded through a sales and use tax, and authorizes development agreements with affordable housing as a public benefit. Affordable housing for low- and very low-income families also have reduced parking requirements in Everett, with 65% of typical parking required for low-income units and 50% of typical parking required for very low-income units.

Gaps: Everett uses a variety of incentives for affordable housing including floor area bonuses and parking reductions. The City's parking reductions, however, are unclear in how they would affect parking requirements if projects are mixed-income and not a 100% affordable project. For mixed-income projects with different affordability levels and projects that integrate market rate units the City could consider allowing developers to apply one parking reduction factor per unit from multiple reduction options, rather than one reduction for the entire development.

COMMUNITY FACILITIES AND USES

Gaps: See *mixed-use gap for Everett above*. The City does not permit clinics, community and social services, and food banks on the ground floor of TOD and Pedestrian Streets in Metro Everett per 19.05.090 and 19.05.111.

Lynnwood

EQUITABLE DEVELOPMENT

Regulations Summary: Lynnwood prohibits tenant displacement as a requirement for MFTE eligibility in 3.82.060. Unlike the City of Everett, Lynnwood does not require relocation of tenants to comparable housing for projects to be eligible, and existing dwelling units on the project site must be unoccupied for at least 12 months.

Gaps: Lynnwood does not have anti-displacement, business stabilization, or relocation assistance programs apart from the specific requirements for MFTE eligibility.

HOUSING INCENTIVES TO PROMOTE EQUITABLE TOD

Regulations Summary: Lynnwood has a Multi-family Tax Exemption (MFTE) program that includes 12-year tax exemptions, with the affordability requirements included in RCW 84.14. Section 84.14.020 of the RCW requires that 20% of multi-family housing within a new project be set aside as affordable for low and moderate income households to be eligible for the 12-year-multi-family property tax exemption but allows jurisdictions to set their own income thresholds. Section 84.14.10 defines low income as 80% or less of the median income of the county where the project is located and moderate income as 115% or less. In high cost counties, these limits are 100% and 150% respectively. Lynnwood also has a sales and use tax for affordable supportive housing that can be used for acquisition, construction or rehabilitation of affordable housing or supportive housing, operations and maintenance costs and rental assistance.

Gaps: The City may benefit from stricter affordability requirements for projects receiving the 12 year MFTE since the state standards use Snohomish County median income which was \$86,691, according to the 2015-2019 Census American Community Survey, vs just \$63,743 for Lynnwood. This means subsidized units qualifying for the tax break would still be out of reach for many Lynnwood families. The target areas for the City's MFTE program are limited to the City Center but could be expanded to include other parts of the regional growth center near transit (i.e. West Alderwood).

Lynnwood does not have any zoning-based affordable housing incentives such as height or floor-area or lot coverage bonuses, parking reductions, or priority permit review for projects including affordable housing.

COMMUNITY FACILITIES AND USES

Regulations Summary: Lynnwood allows for mixed use in several zones including its Commercial Zones described in Chapter 21.46, the Planned Regional Shopping Center zone (21.48), City Center zones (21.60) and Commercial-Residential zone (21.54).

Gaps: The narrow definition of mixed-use Lynnwood uses for commercial zones in Chapter 21.46 includes primarily commercial and office uses, which does not clearly include community and social services, typically defined as institutional uses in the Lynnwood Municipal Code. Lack of clarity may make it more difficult to site these uses. Lynnwood could consider an incentive program for community services it would like to encourage in the ground level of buildings near transit to help expand equitable access to these services.

Snohomish County

EQUITABLE DEVELOPMENT

Regulations Summary: Snohomish County's decision criteria for essential public facilities in 30.42D.080 include mitigation for displaced or impacted businesses. The County also offers priority permit processing for projects that include space for mobile homeowners who have been displaced due to the closure of a mobile home park in 30.76.020.

Gaps: The County does not have anti-displacement, business stabilization, or relocation assistance programs apart from these two targeted provisions in the County's Unified Development Code.

HOUSING INCENTIVES TO PROMOTE EQUITABLE TOD

Regulations Summary: Snohomish County has an Affordable Housing Trust Fund established in Chapter 4.67 of the County's Unified Development Code that is funded through surcharges collected by the County Auditor and can be used for acquisition, construction of rehabilitation of affordable housing, support for building operations and maintenance, rental assistance vouchers, and operating costs for shelters. The County also has an affordable and supportive housing tax credit fund for investment in affordable and supporting housing using sales and use taxes imposed in Chapter 4.122. There are procedures for the County to dispose of surplus property established in Chapter 4.46 that specifically includes consideration of affordable housing as defined in RCW 63A.510.

Snohomish County offers an FAR incentive for affordable housing in the Urban Center zoning district (Chapter 30.34A) at a rate of 5 additional square feet of market rate space for every 1 square foot of affordable housing. Snohomish County is the only of the three partner jurisdictions along the EVLE corridor to provide for priority permit processing for mixed-use or mixed-income projects in which at least 50% of units are affordable.

Gaps: Snohomish County could consider priority review and processing for multi-family and mixed-use projects with a more modest share of affordable units to apply the incentive more broadly. Snohomish could also consider reducing parking requirements for mixed-income and affordable projects in zoning districts around high-capacity transit.

Recent state law changes may mean that Snohomish County is now eligible to create an MFTE program to incentivize multifamily housing which could encourage more affordable housing through the 12-year exemption.

COMMUNITY FACILITIES AND USES

Regulations Summary: Snohomish County offers floor area incentives for childcare in Urban Center zones in Section 30.34A.035.

Gaps: These incentives could be expanded to include community and social services in the ground level of building in UC Zones. Similar incentives could be applied to other high-capacity transit corridors including zoning districts around Community Transit Swift lines.

POTENTIAL PERMITTING CHALLENGES AND CONFLICTS

As part of the Gap Analysis, Sound Transit identified permitting and other code challenges that could present barriers for siting and constructing the EVLE Project and associated facilities. Since light rail facilities are unique capital projects, which most jurisdictions have not had to permit before, existing code regulations can sometimes present challenges in fitting in new types of facilities into regulatory frameworks that were not designed for them. Sound Transit's team, drawing on experience planning and constructing light rail in other jurisdictions, has attempted to identify these potential issues so they can be addressed early in the planning process. Conditions on siting light rail facilities and critical areas regulations often present challenges for light rail construction.

Light rail facilities that are a part of the EVLE Project are considered an essential public facility by Washington State and while local jurisdictions may not block essential public facilities, they do create the approval procedure and can set reasonable conditions. The Revised Code of Washington (RCW) in RCW 36.70A.200 requires counties and cities planning under the Growth Management Act (GMA) to include a process for identifying and siting essential public facilities in its comprehensive plan. Establishing a clear process for siting and approving essential public facilities is important for successful project planning and construction.

RCW 36.70A requires counties, and cities within them, planning under the GMA to designate critical areas and adopt development regulations for projects affecting them. State law allows local flexibility in crafting these regulations and local differences can create challenges for light rail construction if not identified and addressed early.

Everett

Siting Light Rail Infrastructure and Facilities

REGULATIONS Summary

Everett currently does not have a defined process in their Municipal Code for siting essential public facilities. The facilities and uses that will make up the EVLE Project are addressed in the use tables in Chapter 19.05. Light rail facilities fall under the definition for "transportation facilities of statewide significance" (19.04.080). Transportation facilities of statewide significance require a conditional use permit in residential zoning districts but are otherwise allowed (19.05.110). The definition for transportation facilities of statewide significance includes regional transit systems but explicitly does not include "yards and service and maintenance facilities" (19.04.080). It is not clear if this definition includes stations as well as tracks since light rail stations are a separate use category permitted only by development agreement in commercial and industrial zoning districts (19.05.110). The definition of light rail station does not explicitly include parking facilities (19.04.080). Parking as a primary use is permitted in several zones, but explicitly prohibited in Metro Everett (19.05.090).

GAPS

Everett currently does not have a defined process for siting essential public facilities.

Parking as a primary use is prohibited in Metro Everett.

Critical Areas**REGULATIONS SUMMARY**

Chapter 19.37 of the Everett Municipal Code regulates critical areas in Everett. Section 19.37.070 requires a critical area delineation report that identifies and maps critical areas and buffers within 300 feet. Section 19.37.070 also requires mitigation plans for projects that alter wetlands, streams or buffers prior to any project activity.

Everett in EMC 19.37.070 and Snohomish County in SCC 30.62A.150 require mitigation plans for altering wetlands, streams, and associated buffers but do not specify when this plan must be provided. This question should be clarified with the jurisdictions. Everett requires a critical area report if a development is located within 300 feet of a documented critical area (EMC 19.37.070). Since the footprint of the EVLE Project is substantially larger than most other projects, some clarification or modification of this requirement may be necessary. Section 19.37.050 contains a reasonable use exception for projects that affect critical areas. This section allows use of critical areas if “there is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area” as long as the applicant satisfies a number of criteria.

GAPS

The requirement in Section 19.37.070 that mitigation plans be approved prior to project activity taking place may be challenging for the timeline that the EVLE Project will likely be on.

Everett does not have a public agency and utilities exception process for critical areas. The Department of Commerce allows jurisdictions to provide an exception for public agencies or utilities from critical areas regulations when strict application would prohibit development. This process is similar to a reasonable use exception but it is better suited to public agency and utility projects. Many counties and cities in Washington and the Department of Commerce allows jurisdictions to specify the review process and criteria for receiving this exception.

Lynnwood

Siting Light Rail Infrastructure and Facilities

REGULATIONS SUMMARY

Sound Transit light rail stations, parking facilities, tracks, and related facilities are all classified as a state or regional essential public facility and are regulated by Chapter 21.73 of the Lynnwood Municipal Code. Lynnwood requires a development agreement before any state or regional essential public facility is located or expanded in the city (LMC 21.73.30). This chapter also requires that if the proposed essential public facility is located in a residential zoning district, “the applicant shall have the burden to demonstrate that there is no other feasible location for the facility and that the facility is not expected to result in unmitigated significant adverse impacts.” This code chapter does allow essential public facilities to deviate from provisions in the Lynnwood Municipal Code but the applicant “shall have the burden to demonstrate that compliance with such provisions would either preclude the siting of such facilities in the city, or would not result in the public benefit related to the provision.” (LMC 21.73.30).

The City Council approves development agreements, which are governed by Chapter 21.29 of the Lynnwood Municipal Code. The criteria for approving development agreements include:

- The agreement must be consistent with comprehensive plan and any applicable subareas plans.
- The agreement must provide public benefits that would not otherwise be achieved under the code.
- The agreement must serve the public interest.
- The property is not zoned single family residential.
- The agreement must be consistent with Chapter 21.29 of the Lynnwood Municipal Code.

GAPS

Chapter 21.73.30 requires that if a proposed essential public facility is located in residential zones the applicant demonstrate that “there is no other feasible location.” This language may not be congruent with a project like EVLE that goes through the EIS process since the preferred alternative identified by the EIS may not be the only feasible alternative so this language could preclude the preferred alternative.

Chapter 21.29.200 does not allow development agreements if the project is in a single-family residential neighborhood. Since essential public facilities require a development agreement for approval, this appears to preclude Sound Transit facilities and track in single-family zoned areas entirely.

Critical Areas

REGULATIONS SUMMARY

Critical areas in Lynnwood are regulated by Chapter 17.10 of the Municipal Code. Chapter 17.10.020 requires any activity which “alters or disturbs an environmentally critical area or buffer” to obtain a permit from the City. Issued permits are valid for two years with an additional extension to three years available. Chapter 17.10.046 allows for property owners to be exempt from following the requirements of the Chapter “would deny all reasonable economic use of the subject property.” Chapter 17.10.053 allows alteration to critical areas and buffers is allowed, provided “there is no feasible and reasonable alternative” and that “alteration will preserve, improve, or protect the functions of the wetland system” and that mitigation will have a high chance of success. Chapters 17.10.055 and 17.10.75 require mitigation plans for wetlands and streams respectively. For both types of alterations, a mitigation plan is required prior to the issuance of any permits. At the completion of the project, the boundaries of all types of affected critical areas and buffers “will be designated with permanent signs, monuments and fencing” (LMC 17.10.130).

GAPS

The maximum three-year duration of critical area permits in Chapter 17.10.020 could be a problem for the EVLE Project. Since the timelines of major capital projects like EVLE are so long, three years may not be too short of a duration.

Chapter 17.10.053 only allows alterations to critical areas or buffers if there is “no feasible alternative” and this language may be incongruent with the EIS process. The preferred alternative identified by the EIS may not be the only feasible alternative so this language could preclude the preferred alternative.

The requirements in Chapters 17.10.55 and 17.10.75 for mitigation plans prior to the issuance of permits may be challenging given the timeline of the EVLE Project. Some flexibility in timing of permits and mitigation agreements may be necessary to coordinate between all permitting entities, particularly if the project is delivered through design-build.

The construction of signs, monuments, and fencing as required by Chapter 17.10.130 may be challenging for a project on the scale of EVLE. This requirement may not be practical for a linear project of over 16 miles and some flexibility may be required.

Lynnwood does not have a public agency and utilities exception process for critical areas. The Department of Commerce allows jurisdictions to provide an exception for public agencies or utilities from critical areas regulations when strict application would prohibit development. This process is similar to a reasonable use exception, but it is better suited to public agency and utility projects. Many counties and cities in Washington and the Department of Commerce allows jurisdictions to specify the review process and criteria for receiving this exception.

Snohomish County

Siting Light Rail Infrastructure and Facilities

REGULATIONS SUMMARY

Chapter 30.42D of the Snohomish County Code governs the identifying, siting and regulating of essential public facilities. Per state law, jurisdictions cannot block essential public facilities entirely, but local governments can impose reasonable conditions and influence siting. Section 30.42D.070 specifies that essential public facilities go through the development agreement process in Chapter 30.75 of the Snohomish County code but with criteria specified in Section 30.42D.080 and through a separate process from other development agreements, essential public facilities are presented to the County Council upon the adoption of an ordinance (30.75.020). The County may require an independent consultant review of an essential public facility proposal to assess compliance. The cost of this consultant will be borne by the applicant and may require additional studies or other information (SCC 30.42D.090).

GAPS

No major gaps were identified with Snohomish County's essential public facility approval process.

Critical Areas

REGULATIONS SUMMARY

Critical areas in Snohomish County are regulated by Chapter 30.62A of the Snohomish County code. Development activity that requires a permit in an established critical area or buffer must provide a critical area study and mitigation before a permit is issued. The code does allow an applicant to submit a plan in two phases: a conceptual phase and a detailed plan phase, at the Planning Director's discretion (30.62A.150). Section 30.62A.320 does allow new utilities and transportation structures within critical area buffers when "no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs." The same requirement applies to wetlands in Section 30.62A.340. No similar language exists for Section 30.62A.330, which details standards for activities conducted within streams, lakes and mariner waters. This section contains language for roads and utilities, but not rail facilities. Section 30.62A.160 requires permanent markings of the boundaries of critical areas but does not apply to public rights-of-way projects.

GAPS

Section 30.62A.150 does not state clearly when in the process a mitigation plan is required, which may be an issue for the EVLE Project.

The language in Section 30.62A.320 and 30.62A.340 allowing new transportation structures within critical area buffers and wetlands if “no other feasible alternatives exist” may preclude the preferred EVLE alternative since other feasible alternatives could have been identified in the EIS process.

Section 30.62A.330 does not have language specifying if rail facilities are allowed to impact streams.

Snohomish County does not have a public agency and utilities exception process for critical areas. The Department of Commerce allows jurisdictions to provide an exception for public agencies or utilities from critical areas regulations when strict application would prohibit development. This process is similar to a reasonable use exception but it is better suited to public agency and utility projects. Many counties and cities in Washington and the Department of Commerce allows jurisdictions to specify the review process and criteria for receiving this exception.

CORRIDOR-WIDE CHALLENGES

The Sound Transit team also flagged several general areas that have been problematic in the past and should be addressed preemptively in a development agreement. Temporary protection easements have been a challenge in past projects, particularly how to notice title for properties Sound Transit does not own since the agency cannot encumber title on behalf of other owners. Similarly, extensive temporary uses on steep slopes are often not considered by local jurisdictions and any potential takes on steep slopes or landslide areas should be examined closely and clarified in a development agreement.

Utility regulations can also present problems and should be clarified in development agreements. In particular, stormwater best management practices have presented issues in the past because Sound Transit is often required to construct these on permanent easements on private property leaving maintenance responsibility unclear. Development agreements should clarify how easements will be conveyed and the end ownership of utilities on those easements as well as who is responsible for maintenance on private property where Sound Transit has constructed utilities.

Light rail infrastructure also poses unique problems for water and sewer charges. In the past, Sound Transit has incurred large capital connections and capital facilities charges even though the actual water requirements of the facilities are small. Sound Transit facilities need only minimal water for landscape irrigation and fire protection and development agreements should provide flexibility to these charges to bring them more in line with Sound Transit’s actual water usage.

GAPS

The process to notice for titles which Sound Transit does not own but has a temporary protection easement on can be challenging if not clarified since the agency cannot encumber title on behalf of owners.

Maintenance responsibility for stormwater facilities on permanent easements can sometimes be unclear.

NEXT STEPS

This document outlines the findings of the second component of the Model Code Partnership project, the gap analysis. The process of developing the gap analysis laid the foundation for the next step in the MCP project, case studies. The TOD Principles and gaps between them and existing code point to a number of possible focus areas that may be the subject of case studies in the next stage of the project. Case studies will take topics identified in the gap analysis and examine how other peer jurisdictions have implemented innovative solutions to address them. This research will provide a strong base for developing model code for potential adoption in the final phase of the MCP project.