Code Interpretation
SMC 21B.25.030 & 21B.75.020

Interpretation Request:

1. What is the maximum number of dwelling units allowed in the Town Center under the Preferred Alternative in the Environmental Impact Statement (EIS)? What is the maximum square footage of commercial space allowed in the Town Center under the Preferred Alternative in the EIS?

2. How is residential density applied and calculated in terms of bonus units (including both the affordable housing bonus pool and transfer of development rights [TDR]) and rounding?

3. How is footnote (2) of SMC 21B.25.030(1) interpreted as related to the exceedance of the absolute maximum density when purchasing TDR credits?

Code Provisions Subject to this Interpretation:

SMC 21B.25.040 Provisions to obtain additional (bonus) residential density or commercial development capacity (1) Bonus Residential Dwelling Units. SMC 21B.25.030 identifies the "maximum density" and "allocated density" for each Town Center zone. Projects may obtain additional density by complying with the affordable housing provisions set forth in Chapter 21B.75 SMC…

SMC 21B.25.030 Densities and Dimensions (1) Table of Densities and Dimensional Standards for Town Center Zones, Development Conditions Footnote 2. Maximum density means the absolute maximum density allowed after all incentives and bonus units are added per SMC 21B.25.040. Units purchased through the City's TDR program do not count toward maximum residential density. The number of allowed units on a property may exceed the maximum allowed density by the number of TDRs purchased.

Code Provisions Supporting this Interpretation:

SMC 21B.25.030 Densities and dimensions (1) Table of Densities and Dimensional Standards for Town Center Zones.

	TOWN CENTER ZONES				
STANDARDS	**TC-A**	**TC-B**	**TC-C**	**TC-D**	**TC-E**
Maximum Residential Density[1,2,3] (DU/Acre)	40 du/ac	20 du/ac	8 du/ac	20 du/ac	1 du/ac
Allocated Residential Density[1,3,4,20] (DU/Acre)	16 du/ac	8 du/ac	4 du/ac	8 du/ac	1 du/ac

SMC 21B.25.030 Footnote 4. Allocated density is defined as the density allowed by right, before any additional units are added per SMC 21B.25.040.

SMC 21B.75.020 Basic density provisions (1) Baseline Affordable Housing. In any residential development . . . not less than 10 percent of the allocated residential *density dwelling units pursuant to SMC 21B.25.030 must be affordable housing units…*

SMC 21B.75.020 Basic density provisions (2). Affordable Housing Units and Allocated Residential Density. Required affordable housing units pursuant to subsection (1) of this section shall be counted as one-half a dwelling unit for the purpose of calculating allocated residential density pursuant to SMC 21B.25.030. . . . Affordable housing units built for the purposes of increasing [bonus] site density above the allocated residential density shall be counted as one dwelling unit for the purposes of calculating maximum residential density pursuant to SMC 21B.25.030.

Director's Interpretation:

1. Maximum Number of Dwelling Units Allowed in Town Center under Final EIS

Per the Sammamish Town Center Sub-Area Plan Final EIS dated October 2, 2007, the Preferred Alternative selected includes "up to 2,000 new housing units spread throughout the Town Center area" (page 2-4). The Town Center Plan, adopted in June 2008, likewise establishes an "upper limit for development in the Town Center of 2,000 dwelling units" (page 26).

The Preferred Alternative also sets an upper limit of 400,000 square feet for commercial development (page 1-7 and page 2-4).

Prior to exceedance of these development thresholds, additional environmental analysis shall be completed.   Legislative action will also be required to amend the current residential development limit beyond 2,000 units and the current commercial square footage limit beyond 600,000 square feet.

2. Calculating and Utilizing Bonus Residential Density

Density authorized above the allocated residential density shall be calculated by subtracting the allocated residential density from the maximum density as specified in SMC 21B.25.030(1), multiplied by gross developable acreage as defined in SMC 21B.25.080.

The 50% reduction factor applied to the density calculation for required affordable housing units, pursuant to SMC 21B.75.020(2), only applies to the 10% required affordable housing units provided for under SMC 21B.75.020(1). A 50% reduction factor does not apply to affordable housing units obtained as bonus residential density above the allocated residential density from the affordable housing bonus pool.

The following outlines the process of acquiring additional bonus residential density in the Town Center A-, B-, and C-Zones by purchasing credits from a TDR program.

TDR Programs:
Additional bonus residential density may be acquired by purchasing TDR credits from the following programs.

1. King County TDR Bank – Up to 75 credits may be used for increased residential density or commercial development capacity in Town Center pursuant to the interlocal agreement between King County and the City of Sammamish (I2011-107).
2. Town Center D-Zone TDR program – 240 TDR credits may be transferred from the TC-D Zone into the TC-A zones, subject to the provisions of SMC 21B.25.040(2)(d).
3. City of Sammamish TDR Program – pursuant to Chapter 21A.80 SMC.

Town Center A-Zone
Bonus units in the A-Zone must first be accessed from the affordable housing bonus pool. Once the affordable housing bonus pool has been depleted, developments must purchase and utilize the first twenty (20) TDR credits available from King County TDR Bank. The purchase of one (1) TDR credit entitles the purchaser to five (5) bonus units within the A-Zone. After the first 20 King County TDR credits have been depleted, a development may utilize TDRs from either the remaining 55 TDR credits from the County and/or from the City of Sammamish's TC D-Zone TDR program. The TC D-Zone TDR credits can only be transferred to the A-Zone on a 1:1 basis.

Town Center B-Zone
Bonus units in the B-Zone must be accessed from a combination of TDRs and the affordable housing bonus pool. 75% of a B-Zone development's bonus units must come from the TDR pool, and 25% must come from the affordable housing bonus pool. For example, if a development in the B-Zone requests 48 bonus units, 36 of those units must be TDR units and 12 must be from the affordable housing bonus pool.

As in the A-Zone, TDR bonus units in the B-Zone must first utilize the twenty (20) TDR credits available from the King County TDR Bank. The purchase of one (1) of these TDRs entitles the purchaser to three (3) bonus units within the B-Zone. Once the first twenty (20) TDR credits from the County have been depleted, a development may utilize TDRs from either the remaining 55 TDR credits from the County and/or from the City of Sammamish's TDR program. The purchase of one (1) TDR from the City's TDR program entitles the purchaser to seven (7; if the sending zone is R-1), three (3; if the sending zone is R-4 or in King County), or two (2; if the sending zone is R-6) bonus units in the B-Zone.

As in the A-Zone, the 25% of bonus units must be from the affordable housing bonus pool.

Town Center C-Zone
Bonus units in the C-Zone must all come from TDRs. As in the A- and B-Zones, TDRs in the C-Zone must first come from the twenty (20) TDR credits made available from the King County TDR Bank. The purchase of one (1) of these TDRs entitles the purchaser to two (2) bonus units within the C-Zone. Once the TDR credits from the County have been depleted, a development may utilize TDRs from either the remaining 55 TDR credits from the County and/or from the City of Sammamish's TDR program. The purchase of one (1) TDR from the City's In-City TDR program entitles the purchaser to four (4; if the sending zone is R-1), two (2; if the sending zone is R-4 or in King County), or one (1; if the sending zone is R-6) bonus units in the C-Zone.

3. Exceedances of Maximum Density

In instances where any applicable TDR credits are purchased, these units shall be allowed in excess of the maximum density in Town Center A- and B-Zones only, pursuant to SMC 21B.25.030(1) Footnote 2 and SMC 21B.25.040(1). Exceedances shall be approved as part of a UZDP, pursuant to SMC 21B.95.040(1)(b).

Applicant: Department of Community Development (City-initiated)
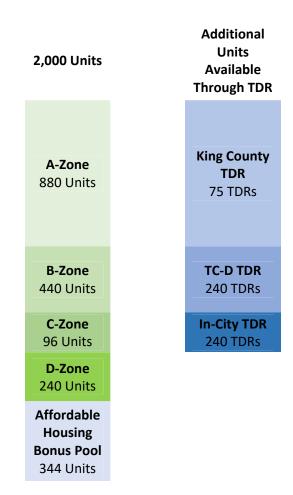**Project Location:** Town Center Subarea
Appeal Period: May 2, 2017 through **May 23, 2017.** Pursuant to SMC 21A.100.060(2)(b), this interpretation may be appealed within 21 days from the date of issuance, on or before May 23, 2017 at 5:00 PM. Appeals are heard by the Hearing Examiner.

Staff Member Assigned:
Doug McIntyre, AICP, Senior Planner; dmcintyre@sammamish.us; 425-295-0528

Figures:

1. Composition of 2,000 units in Town Center

2,000 Units

Additional Units Available Through TDR

2,000 Units	Additional Units Available Through TDR
A-Zone 880 Units	**King County TDR** 75 TDRs
B-Zone 440 Units	**TC-D TDR** 240 TDRs
C-Zone 96 Units	**In-City TDR** 240 TDRs
D-Zone 240 Units	
Affordable Housing Bonus Pool 344 Units	

2. TDR Programs and Applicability Table

TDR Type	Applicable TC Zone	TDR Units Available	Ratio[1]
King County TDR[2]	A, B, C	20 Currently Available 32 Expected from Soaring Eagle 23 Yet to be Assigned	1:5 (A-Zone) 1:3 (B-Zone) 1:2 (C-Zone)
TC-D TDR[3]	A	240	1:1
In-City TDR[4]	B, C	0	B-Zone 1:7 (R-1 Sending Site)[5] 1:3 (R-4 or King County Sending Site) 1:2 (R-6 Sending Site) C-Zone 1:4 (R-1 Sending Site) 1:2 (R-4 or King County Sending Site) 1:1 (R-6 Sending Site)

[1]*The ratios are listed as TDR:Bonus Unit. For example, as part of the King County TDR Program, one TDR entitles the purchaser to 5 bonus units in the A-Zone, 3 in the B-Zone, and 2 in the C-Zone.*

[2]*The King County-Town Center TDR Program is established in the King County-City of Sammamish inter-local agreement*

[3]*Pursuant to SMC 21B.25.040(2)(d)*

[4]*Pursuant to SMC 21A.80.090 - Receiving Site Incentive Table*

[5]*Sending sites refer to the zoning of the land from which the TDR is acquired.*

Attachments:
1. Density Calculator Template

TOWN CENTER ZONE A

DEVELOPER:

TOTAL BUILDABLE AREA

STEP 1: Calculating Allocated Residential Density and Maximum Density			**SMC Reference**
ALLOCATED DENSITY:		**UNITS**	
1	Total Buildable Acreage	0	AC	21B.25.080 Calculations
2	Allocated Density	16	DU/AC	21B.25.030 Densities and dimensions
3	Total Allocated Residential Density	0	DU	21B.25.030(1) Densities and dimensions
4	Total Required Affordable Housing Units *(10% of Line 3)*	0	DU	21B.75.020(1) Basic density provisions
5	Total Base Market Units *(Line 3 - Line 4)*	0	DU	
6	Total Additional Market Units to Meet Allowable Density (*Additional units req'd to meet allocated density, compensating for 0.5 DU/AC for required AHU)*	0	DU	21B.75.020(2) Basic density provisions
7	Total Allocated Density with AHDU Incentive	0	DU	21B.75.020(2) Basic density provisions
MAXIMUM ALLOWABLE DENSITY:			
8	Total Buildable Acreage	0	AC	
9	Max Residential Density	40	DU/AC	21B.25.070(2) Calculations
10	Total Max Residential Density	0	DU	

STEP 2: Calculating Bonus Residential Units			
11	Bonus Units Available *(Number provided by the City)*	193	DU	
12	Bonus Units Requested, Max *(Line 10 - Line 3)*	0	DU	21B.25.070(1)(2) Calculations
13	Bonus Units Requested		DU	
14	Bonus Affordable Housing Units Available *(33.3% of Line 13)*	0	DU	21B.75.020 (3) Basic density provisions
15	Bonus Market Rate Housing Units Available *(66.6% of Line 13)*	0	DU	21B.75.020 (3) Basic density provisions
16	Bonus Residential Units Requested	0	DU	

STEP 3: Calculating Total Residential Density (Allowable Density + Bonus Units)			
17	Affordable Housing Proposed *(line 4 + line 14)*	0	DU	
18	Market Rate Units Proposed *(line 5 + line 15)*	0	DU	
19	Total Residential Units	0	DU	

STEP 4: Calculating Total King County TDRs			
20	Receiving Zone: A-Zone		DU	
21	Approved TDR Units	0	TDR	
22	TDR Density	0	DU	

STEP 5: Calculating Total City of Sammamish TDRs (TC-D)			
23	Receiving Zone: A-Zone	1	DU	21B.25.040(2)(d)
24	Approved TDR Units	0	TDR	
25	TDR Density	0	DU	

STEP 6: Calculating Total Residential Density (Allowable Density + Bonus Units + TDRs)			
26	Step 3 Total:	0	DU	
27	Step 4 Total:	0	DU	
28	Step 5 Total:	0	DU	
	Total Residential Units Proposed:	0	DU	

	TOWN CENTER ZONE B		

DEVELOPER:

TOTAL BUILDABLE ACREAGE

	STEP 1: Calculating Allocated Residential Density and Maximum Density			**SMC Reference**
	ALLOWABLE DENSITY:		**Units**	
1	Total Buildable Acreage	0	AC	21B.25.080 Calculations
2	Allocated Density	8	DU/AC	21B.25.030 Densities and dimensions
3	Total Allocated Residential Density	0	DU	21B.25.030(1) Densities and dimensions
4	Total Required Affordable Housing Units *(10% of Line 3)*	0	DU	21B.75.020(1) Basic density provisions
5	Total Base Market Units *(Line 3 - Line 4)*	0	DU	
6	Total Additional Market Units to Meet Allowable Density (*Additional units req'd to meet allocated density, compensating for 0.5 DU/AC for required AHU*)	0	DU	21B.75.020(2) Basic density provisions
7	Total Allocated Density with AHDU Incentive	0	DU	21B.75.020(2) Basic density provisions
	MAXIMUM ALLOWABLE DENSITY:			
8	Total Buildable Acreage	0	AC	
9	Max Residential Density	20	DU/AC	21B.25.070(2) Calculations
10	Total Max Residential Density	0	DU	

	STEP 2: Calculating Bonus Residential Units			
11	Bonus Units Available *(Number provided by the City)*	**193**	DU	
12	Bonus Units Requested, Max *(Line 10 - Line 3)*	0	DU	21B.25.070(1)(2) Calculations
13	Bonus Units Requested *(up to 25% of available bonus units)*		DU	
14	Bonus Affordable Housing Units Available *(33.3% of Line 13)*	0	DU	21B.75.020 (3) Basic density provisions
15	Bonus Market Rate Housing Units Available *(66.6% of Line 13)*	0	DU	21B.75.020 (3) Basic density provisions
16	Bonus Residential Units Requested	0	DU	

	STEP 3: Calculating Total Residential Density (Allowable Density + Bonus Units)			
17	Affordable Housing Proposed *(line 4 + line 14)*	0	DU	
18	Market Rate Units Proposed *(line 5 + line 15)*	0	DU	
19	Total Residential Units	0	DU	

	STEP 4: Calculating Total King County TDRs			
20	Receiving Zone: B-Zone	3	DU	
21	Approved TDR Units		TDR	
22	TDR Density	0	DU	

	STEP 5: Calculating Total City of Sammamish TDR Program (CURRENTLY NOT AVAILABLE)			
23	Sending Zone			
24	Receiving Zone: B-Zone		DU	
25	Approved TDR Units		TDR	
26	TDR Density	0	DU	

	STEP 6: Calculating Total Residential Density (Allowable Density + Bonus Units + TDRs)			
27	Step 3 Total:	0	DU	
28	Step 4 Total:	0	DU	
29	Step 5 Total:	0	DU	
30	Total Residential Units Proposed:	0	DU	

TOWN CENTER ZONE C

DEVELOPER:

TOTAL BUILDABLE ACREAGE

STEP 1: Calculating Allocated Residential Density and Maximum Density				**SMC Reference**
ALLOCATED DENSITY:			**UNITS**	
1	Total Buildable Acreage	0	AC	21B.25.080 Calculations
2	Allocated Density	4	DU/AC	21B.25.030 Densities and dimensions
3	Total Allocated Residential Density (AD)	**0**	DU	21B.25.030(1) Densities and dimensions
4	Total Required Affordable Housing Units			
	(10% of Line 3)	0	DU	21B.75.020(1) Basic density provisions
5	Total Base Market Units			
	(Line 3 - Line 4)	0	DU	
6	Total Additional Market Units to Meet Allowable Density			
	(*Additional units req'd to meet allocated density, compensating for 0.5 DU/AC for required AHU*)	0	DU	21B.75.020(2) Basic density provisions
7	Total Allocated Density with AHDU Incentive	**0**	DU	21B.75.020(2) Basic density provisions
MAXIMUM ALLOWABLE DENSITY:				
8	Total Buildable Acreage	0	AC	
9	Max Residential Density	8	DU/AC	21B.25.070(2) Calculations
10	Total Max Residential Density	**0**	DU	

STEP 2: Calculating Total Residential Density			
11	Affordable Housing Proposed	0	DU
12	Market Rate Units Proposed	0	DU
13	Total Residential Units	**0**	DU

STEP 3: Calculating Total King County TDRs			
14	Receiving Zone: C-Zone	2	DU
15	Approved TDR Units		TDR
16	TDR Density	**0**	DU

STEP 4: Calculating Total City of Sammamish TDR Program (CURRENTLY NOT AVAILABLE)			
17	Sending Zone		
18	Receiving Zone: C-Zone		TDR
19	Approved TDR Units		DU
20	TDR Density	**0**	DU

STEP 5: Calculating Total Residential Density (Allowable Density + TDRs)			
21	Step 2 Total:	0	DU
22	Step 3 Total:	0	DU
23	Step 4 Total:	0	DU
	Total Residential Units Proposed:	**0**	DU