



PLANNING COMMISSION

REGULAR MEETING

AGENDA

Thursday, January 5, 2017
7:00 p.m.

Council Chamber • Shoreline City Hall
17500 Midvale Ave North

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:05
3. APPROVAL OF AGENDA	7:07
4. APPROVAL OF MINUTES	7:08
a. December 15, 2016 Draft Minutes	

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

5. GENERAL PUBLIC COMMENT	7:10
6. PUBLIC HEARING	7:15
a. Continuation of Deep Green Incentive Program Public Hearing	
• Staff Presentation	
• Public Testimony	
7. DIRECTOR'S REPORT	8:15
8. UNFINISHED BUSINESS	8:22
9. NEW BUSINESS	8:25
10. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:26
11. AGENDA FOR JANUARY 19, 2017	8:28
12. ADJOURNMENT	8:30

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236

The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing amendments to the Shoreline Development Code (SMC Title 20) that would apply citywide. The Planning Commission is holding a continued public hearing on Development Code amendments that would implement a new Deep Green Incentive Program for buildings designed to meet the most stringent standards for performance with regard to energy, water, place, health, materials, beauty, and equity.

This may be your final opportunity to submit written comments. Written comments must be received at the address listed below before **5:00 p.m. January 5, 2017**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Miranda Redinger, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to mredinger@shorelinewa.gov.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, January 5, 2017 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Miranda Redinger, Senior Planner at (206) 801-2513.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

DRAFT

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING**

December 15, 2016
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Mork
Commissioner Thomas

Staff Present

Rachael Markle, Director, Planning & Community Development
Paul Cohen, Planning Manager, Planning & Community Development
Kim Lehmborg, Associate Planner
Julie Ainsworth Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Craft, Vice Chair Montero, and Commissioners Chang, Maul, Malek, Mork and Thomas.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of December 1, 2016 were adopted as presented.

GENERAL PUBLIC COMMENT

Dave Lange, Shoreline, voiced concern that Sound Transit has decided to optimize the new traffic signal at 148th Street to serve the new 145th Street Station. Their goal is to have multiple buses going through the signal every 90 seconds for almost every cycle of the signal. It's too bad the station was not integrated into the neighborhood, but demanded to be its own destination. The Shoreline Development Code identifies the station area as MUR-70' and the building must come right up to the corner, with

room for the sidewalk. The City demands coffee shops near the station with outside seating, which means people will be sitting at a table across from the station about 25 feet from the intersection. These people will be listening to four to six buses stopping and starting in a very short amount of time. He commented that the City was not thinking of buses when the design guidelines were written. The intersection is too loud for single-family setback from the road or multi-family front and center. He suggested that Sound Transit should offer to take the two corner houses so the owners do not have to wait for the market. The houses across from the garage will also be hard to sell for density and should be considered for possible buy out.

PUBLIC HEARING: CODE AMENDMENTS FOR TRANSITIONAL ENCAMPMENTS

Chair Craft advised that this is a continuation of the public hearing that took place on October 20th, regarding Development Code amendments for Temporary Encampments. He reviewed the rules and procedures for the public hearing and then reopened the public hearing.

Staff Presentation

Mr. Cohen reviewed that the proposed amendments stemmed from City Council Resolution 379, which was adopted on December 14, 2015 and directed staff to review policies to remove barriers for homelessness and to continue support of human service partner agencies. The Commission conducted a public hearing on October 20th, and numerous public comments were received at the hearing and via email. Based on the input provided at the October 20th hearing, as well as a review of the City Council's direction, staff re-evaluated the previous amendments. They are now recommending a different approach.

Mr. Cohen recalled that the Commission has had a lot of discussion about homelessness. Shoreline is a small city in a big region with a growing problem, and the City is trying its best to deal with this complex issue. The City Council has already taken the following actions:

- Contributed 1% of general fund to human services. By 2022, the amount will be about \$500,000.
- Contributed \$10,000 to Winter Night Shelter at Prince of Peace Church to provide a warming shelter for homeless people.
- Promoted property for low and mid-income housing.
- Contributed and waived fees for Ronald Commons.
- Enacted strong affordable housing regulations in the 145th and 185th Street Station Areas.
- Participated in the All Home Funder Alignment Committee regarding regional homelessness.

Mr. Cohen advised that the key changes to the proposed amendments is to:

- Not allow encampments as outright permitted uses in all zones.
- Return to the Temporary Use Permit (TUP) process that has been used for the past 10 years to process encampment applications.
- Add more siting and safety requirements.

- Waive permit fees and clarify length of stay.

He reviewed each of the amendments as follows:

- **Amendment 1 (SMC 20.20.034 M).** This amendment provides a definition for “Managing Agency” for application, responsibility and compliance. It also defines “Transitional Encampments” to differentiate from non-sanctioned camps or family camp outs.
- **Amendment 2 (SMC 20.30.045).** This amendment is not a new requirement. The proposed amendment simply reiterates that neighborhood meetings are required for Certain Type A proposals, which includes encampments.
- **Amendment 3 (SMC 20.30.295).** This amendment adds criteria for TUPs. A TUP, which staff has been successfully administering for temporary encampments for the past 10 years, allows the City to deny or approve, with conditions, a land use that is not listed on the Land Use Table on an interim basis for seasonal or transient uses otherwise not permitted. It includes the following TUP criteria that is in place now:
 - Not be materially detrimental to public health, safety, or welfare, nor injurious to property.
 - Not be incompatible in intensity and appearance with existing land uses in the vicinity;
 - Specified hours of operation.
 - Provide adequate parking.
 - Not impact surrounding properties with noise, light or glare.
 - Not in conflict with the Critical Areas Regulations.

In addition to the existing criteria, Amendment 3 would also add the following additional criteria specific to transitional encampments:

- Apply the existing encampment indexed criteria.
 - Impose the same conditions for health and safety that were imposed on previous TUPs.
 - Waive the application fee.
 - Require that the site must be owned or leased by a city-approved management agency.
 - Require a 20-foot setback, which can be modified by the Director.
 - Allow encampment TUPs for a period of up to 90 days, with a possible extension to 180 days if the site and agency are compliant with all requirements. Currently, TUPs are valid for 60 days, with possible extensions to reach up to a year. The extension would not require an additional neighborhood meeting or application.
 - Require that at least 6 months must elapse from permit expiration before another encampment can be re-established on the same site.
- **Amendment 4 (SMC 20.40.120).** This amendment removes “Transitional Encampments” from the Use Table as a listed permitted use. Instead, the use will require a TUP.

- **Amendment 5 (SMC 20.30.295).** This amendment moves the index criteria that is currently in SMC 20.30.535 to SMC 20.20.30.295(D), where all of the criteria for TUPs are located.

Mr. Cohen reminded the Commissioners that, prior to approval, Development Code amendments must meet the following criteria:

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

Mr. Cohen explained that, following the public hearing, the Commission can forward a recommendation to City Council that the amendments be approved as presented by staff. They can also recommend additional changes to the proposed amendments or that no changes be made to the current Development Code.

Commissioner Questions

Vice Chair Montero referred to SMC 20.30.295(D), which lists the additional criteria, and asked why no minimum fence height has been proposed. He also asked why black screening would not be allowed. Ms. Lehmborg answered that staff did not specify the height of the fence because many churches have vegetative screening that is adequate. Where vegetative screening is not adequate, a sufficient screen would be required. This would typically be a 6-foot fence. The prohibition on black screening is a holdover from the 2005 code update, when the Commissioners did not want the screening to be black. These are the screening requirements staff has been imposing on encampments for the past 10 years.

Commissioner Malek asked staff to clarify the proposed definition for “Managing Agency.” Mr. Cohen said that, as proposed, “Managing Agency” means a religious or city-recognized, non-profit organization that manages a transitional homeless encampment. Chair Craft said he would like the definition to include more details about how city-recognized, non-profit organizations are defined. Assistant City Attorney Ainsworth-Taylor answered that “non-profit organizations” are defined under Revised Code of Washington (RCW) 24.03. “City-recognized organizations” would be those recognized by the City Council and City Manager’s Office. The definition also provides a link to the federally-recognized tax exemption status (501(C)(3) and religious organizations as defined by RCW 35A.21.360.

Commissioner Thomas referred to SMC 20.30.295(D), and asked for clarification about why staff is proposing that the site be managed by a city-approved managing agency. She asked if a for-profit property owner would be allowed to offer a managing agency a zero-dollar lease. Mr. Cohen answered that a lease would be considered a lease, whether there is money involved or not. The intent is to identify who is responsible for the property.

Commissioner Thomas pointed out that the proposed amendments would allow transitional encampments in single-family zones as part of a church property. She asked if they would also be allowed in commercially-zoned areas. Mr. Cohen answered affirmatively.

Public Testimony

Barbara Twaddell, Shoreline, thanked the Commission for listening to the vast majority of Shoreline residents who oppose backyard tent encampments. She supports the revised amendments that were released on December 7th, which make it clear that backyard encampments will not be allowed in the yards of single-family homes. She thanked staff for clarifying that both the owners of the properties and the managing entities of homeless encampments must be a religious or city-recognized non-profit organization. This is important because the professional oversight, such as background screening and 24/7 security, cannot easily be provided by well-meaning amateurs. She strongly agrees with maintaining the 20-foot setback requirement from neighboring properties, which is so important for the homes adjacent to a church encampment due to the possibility of outhouse smells and the sounds of living through thin tent fabric. The setbacks are also important because they limit unsuitable small spaces for encampments, which would have an even greater negative impact on neighboring properties.

Ms. Twaddell commented on the concerns of some that children will have to change schools if they are not allowed to stay at a camp for nine months or more. This is not a valid concern, as one knowledgeable person from Richmond Beach noted that the McKinney Vento Homeless Assistance Act is a federal law that provides funding to the state, which then goes to local districts to ensure school stability and provides money to transport students to their school of origin. She is glad that staff really looked into what other cities allowed. She also happy that a public partnership with Fircrest and the State of Washington might be considered. The other positive message put forth is for the City to try to gather an understanding of the different types of homelessness and how to address the different needs.

Pam Cross, Shoreline, thanked the staff and Commission for all of the time and effort they have put into a very complex issue that has a lot of emotion attached to it. She observed that homelessness has been a widely-recognized problem since the shanty towns called Hooverville arose during the great depression. The media loves to refer to the current homeless situation as an epidemic. Being homeless is not like having the measles. It is not contagious, and there is no vaccine to prevent it. It is naïve to think that the City can put a stop to homelessness with a single solution, but one thing learned is that people are more likely to get back on their feet once they have a warm and dry place to sleep, food to eat, a place to shower, and most of all, hope. Hope comes from the social services provided and the support of churches and other non-profits. Hope comes from the ability to work in concert with others in the same situation to make things better for everyone.

Ms. Cross commented that the City must stop conducting more studies and repeating the mistakes of other cities. The City must stop trying to find more creative solutions, and they must stop fighting amongst each other. There is no time to try out an untested movement of encampments in neighborhood backyards. There are too many unknown risks for the homeowner, the neighborhood and the homeless individuals. It is time for them to work together and move ahead with what Mary's Place, Vision House, HopeLink, Quixote Village and others have proven works. Until permanent housing is available, temporary mini houses could be provided on a permanent site with a communal kitchen, laundry and showers, and access to a full range of social services to assist in physical and mental health issues, finding a job, and finding a home. Homelessness is a societal problem that needs a society to fix it: committed citizens; city, county and state governments; and the federal government, as well. They

cannot continue to leave this to the churches and non-profits. They need more than a village; they need the whole country.

Margaret Willson, Shoreline, thanked the staff and Commission for hearing the voices of the citizens of Shoreline. As she has delved more deeply into the issue of homelessness, she is bothered that the word homelessness, itself, confuses matters. We start to think of homelessness as the primary problem, when in fact, it is generally a symptom of some other problem. Homeless individuals fall into at least six categories, and depending on the reason for the homelessness, the cure will be different. For those who are homeless due to a catastrophic life event, the cure is simple; temporary housing until they can get back on their feet. Another group is lacking in basic life skills, such as personal finance and work habits. In addition to housing, these people need life skills training. A third group includes those who are mentally ill, and they need treatment in addition to housing. A fourth group includes those with addictions, and homelessness is one of the symptoms of addiction. This group needs treatment in addition to housing. Another group are those who are high risk for landlords to rent to, and a possible solution would be for the City to provide tax incentives to landlords to encourage them to give these people a chance. The last group includes those who might prefer to panhandle rather than work, and she does not know what the solution would be for these individuals. She concluded that it is a very complex problem, and calling it all homelessness masks the real underlying problems.

Roger Smith, Shoreline, also thanked and applauded the Commission and staff for listening to the citizens at the last meeting and making changes. He referred to the amendments and pointed out potential language disagreement between the 60-day requirement for a regular TUP and 90-day requirement for encampment TUPs. This may cause confusion in application of the language and the language should be clarified so there is not a conflict between two parts of the same code. Mr. Smith expressed strong opposition to the idea of waiving fees for any group. Permit fees are there for a reason; to cover the administrative cost of processing and implementing permits. This group should not be treated any differently than any other person or organization that requires services of the City. He strongly requested that the fees not be waived.

Mr. Smith referred to the list of acceptable identification for people to enter the encampment, and one is a driver's license. He noted that, as recently as today, the Seattle Times includes an article about the Washington State Driver's License not meeting federal standards for identification. Therefore, someone who gets a driver's license may fall through the cracks in the process of the background checks. He strongly encouraged the City to include "enhanced driver's license" or perhaps counsel can provide other language to clarify the level of identification that would be adequate to get the result they are looking for. Mr. Smith indicated he would provide the rest of his comments in writing.

Brad Lancaster, Shoreline, recalled that in December of 2015, the City Council charged City staff with removing discriminatory obstacles to homelessness and homeless encampments in Shoreline. They particularly targeted the zoning code. The Council was saying that compassion matters, and let's not be heartless. The proposed zoning code amendments will worsen Shoreline's discrimination against homeless persons and gravely harm them. He said he opposes adoption of the proposed changes for the following reasons:

- The 20-foot setback requirement will disqualify many churches whose parking lots are not of sufficient size to accommodate the setback. Even those churches whose lots are large enough to accommodate encampments will be further discouraged from doing so because, under the proposed revisions, the camps will take up a very much larger portion of their parking lots. Some of the churches will have too few parking places for their congregations, and they will decline to house encampments. The net effect of the proposed 20-foot setback is to dramatically reduce the number of places in Shoreline where homeless encampments can be sited, which is the exact opposite of what the City Council charged the Commission and staff with doing. The setback requirement in the City of Seattle is zero.
- The City wants to approve an oversight organization for the camps. As a constitutional proposition, the City lacks competence to authorize oversight organizations wherever those organizations are religious in orientation (Article 1 Section 11 of the Washington Constitution).
- Extending camp stays to six months from three months fails to address the needs of children who may still be required to haul camp and change schools midyear. They are generally moved far away, and it is not feasible to haul them to the same school.
- The proposed changes effectively preclude individual homeowners from hosting encampments. He only did that because the City did not provide for homeless people, and the churches didn't either. There was no place for pregnant women, school age children, and sick individuals, except on the sidewalks of Shoreline. That is not the City he wants to live in. Excluding homeless encampments from the homes of people who wish to care for homeless people violates their religious freedoms. They have a right to exercise their religious freedoms, and it is a heightened right in Washington as compared to the Federal Constitution. The City could end up spending tax dollars trying to explain to King County judges and courts of appeal the City's intent to discriminate against homeless people and the homeowners who wish to help them.

Mr. Lancaster summarized that the proposed changes are cryptic discrimination against homeless persons. They pretend to affect public safety, but in fact, their aim is to exclude homeless people from Shoreline. That will be their effect. The City should change its zoning code to help, not harm, homeless people. He asked the Commission to send the proposal back to staff for revision to be consistent with what the City Council has asked, and to reflect upon their hearts. Compassion matters.

Christopher Carter, Shoreline, said he is a member and camper inside of United We Stand. He was present to speak on behalf of about 40 people (board members, EC's and the other campers). He has compassion for the words he has heard, and the many questions, thoughts and doubts. He knows that encampments are needed. Without them, people die. He does not live in an encampment; he lives in a gated community of low-income houses. The nation was started in tents, and it still thrives and lives today in tents. Not one of them want to be there, and they all stand united in their pursuit of happiness. Don't crunch that; not at these times and days. These are the days that they need to stand up for their religious believes, in a church, in an organization, or in a store. We are a people, and God loves us all. Any act, any motion of the pen, can hurt and become the oppression that causes these people to cry out at night. There's a thousand reasons why one would find themselves on the street, and there are only a couple of solutions. To battle the homeless is not a solution. This is nothing they can battle. There is a cure, and it is called love. He once heard a doctor say that, "The best remedy, the best anecdote, is love. He was asked, "What if it doesn't work?" He said, "Up the dosage." With love comes wealth, and this is what we are calling on. Love the people across the City. He found himself in Los Angeles and has

seen the way they deal with their homeless, needy and poor. He applauded the City for its efforts. It has taken a few solutions the nation has given, and worked the best things he has seen to allow people to come into their backyards. He concluded by encouraging others to think about what they do before they do it, and think about what they say before they say it. Above all, do all things with love.

Marcelino Rivera, Shoreline, said he is temporary a resident of Shoreline, with Camp United We Stand. He knows there are concerns about properties and who is allowed around children, and he is concerned, as well. They do not have to worry about who is managing the encampments, because the people are watching out for each other. It is hard for people inside their homes to make decisions they know nothing about. He is an ex drug addict and has been clean for almost a year. It took him getting to the street to do that. While living in Arizona in a house, he was doing drugs. Now he is sober thanks to Jesus Christ. It says in the Bible that there will always be poor in the land. There has always been poor people, and they will never get rid of them. He referred to Deuteronomy 10:18, which says, "He defends the cause of the poor and the widows and the fatherless." It also goes on to say in Leviticus 19:9-10, "When you reap your harvest of your fields, leave the edges of your fields for the poor." We are not supposed to be hard handed to our poor brothers. In Leviticus 19:15 it says, "Do not pervert justice. Do not show partiality to the poor and favoritism to the wealthy." When homeless are pushed into places like Seattle, it hurts people like him who need to stay away from those people. They can end up back where they started.

Dave Lange, Shoreline, pointed out that there will be surplus properties after construction of the transit stations has been completed. He suggested it would be a good idea to obtain grant money and change the development codes so the surplus land could contribute to some of the housing needs. It does not have to be tall affordable housing development, but just the street-level pieces that will really help people.

Jean Muir, Shoreline, said she appreciates the care and thought the Commission and staff have put into the issue of temporary encampments. In a quick reading of the proposed amendments, she did not clearly see whether someone could lease their backyard to a city-approved, non-profit organization, so long as the setbacks were available to make the proper amount of space. She requested clarification on that point.

Rocky Willson, Shoreline, commented that he has done a lot of research and had discussions with his neighbors. He found that there is an individual on the Interurban Trail who is apparently mentally unstable. He frequently undresses himself, removes his adult diaper, and throws it on the trail. When the police are called about this individual, they say there is nothing they can do. He is not subject to being arrested or jailed because he is not responsible for his own actions. He feels that is not something they really want in Shoreline. If they can find a solution for that individual, they will begin to find a solution for the larger problem. He would like that individual to be given some sort of treatment, and they need to figure out how to deal with the problems in the community, as a whole.

Joe Ripley, Shoreline, congratulated Mr. Rivera on his one-year anniversary of being sober. He also thanked staff on greatly improving the proposal and said he supports the changes. He noted that, in the previous proposal, "campus" was included as a viable location, but not in the newest version. He

supports the exclusion, as proposed, and wants to make sure it is not added at a later date. Mr. Ripley asked staff to respond to the following questions:

- What is the geographic scope of the neighborhood meetings?
- Are the meetings purely informational or advisory?
- Would there be a process for neighbors to appeal and/or direct comments that would have an impact on the proposal?
- What is the timing for the neighborhood meetings?
- Why doesn't the neighborhood meeting requirement apply to accessory dwelling units?
- Would police be notified each time a new resident moves into an encampment?
- Will the police have the ability to deny admittance?
- Who is responsible for cleanup when an encampment is moved? What is the cost of the cleanup, and what is the penalty if it is not done?

Luke Langton, Shoreline, said he lives across the street from the Richmond Beach Community Church that has hosted an encampment on two occasions. The camp recently left, and there is still a mess where it was located. He suggested that the language regarding the length of the permit and potential extension is unclear and could be interpreted in the future to say that the camp can stay for 270 days rather than limited to just 6 months. He would like this to be more clear, and he would like the time limit to be shorter. He does not want half the time he lives in his house to not feel safe for his children to play outside because there is a homeless encampment in his front yard. He has been dealing with this issue since he moved to Shoreline, and it has been unpleasant. His neighbor sold his house, but waited until the camp was gone, which is financially smart. A developer around the corner had just built four new homes, and they didn't sell until the first camp was gone. There is a direct financial impact to people who live near the camps. He likes that the language has not been loosened, but he would like it to be stricter and further limit the camps. He said he has seen no evidence that they actually help people get into jobs and permanent housing. He does not see any benefit, and he has been negatively impacted by it. One woman asked for clarification on whether residential backyards could be leased to an organization, and he would like specific language to be added to the proposed amendments that specifically prohibits the use in residential backyards.

Continued Commission Questions, Deliberation, and Action

Chair Craft asked staff to respond to the concern that the language relative to the time limit for temporary encampments is unclear. Ms. Lehberg said a normal TUP is limited to 60 days, and it can be extended for up to a year. The additional criteria specific to transitional encampments clarifies that the TUPs are good for 90 days, and they can be extended to a total of 180 days. It would not be a 180-day extension to the 90-day permit. Assistant City Attorney Ainsworth Taylor suggested that, for clarification, the words "Except for transitional encampments," could be added at the beginning of SMC 20.30.295(C).

Chair Craft requested clarification regarding the public notice requirement. Ms. Lehberg said the geographic scope for the neighborhood meeting would include property owners within 500 feet. The invitations have to go out between 10 and 14 days before the meeting, and a neighborhood meeting

report must be submitted with the application materials for the TUP. Commissioner Mork asked if the neighborhood meetings would be informational only, and Ms. Lehmborg answered affirmatively.

Chair Craft asked if it would be possible for a single-family residential property owner to lease space in his/her yard for an encampment. Ms. Lehmborg said nothing would prohibit this, but all of the TUP criteria would still have to be met, including setbacks, compatibility and not being injurious to properties within the vicinity.

Commissioner Thomas said other jurisdictions' provisions for temporary encampments identify a minimum number of square feet per resident. The intent is to avoid situations where too many people are packed into a small area. She asked if this has been an issue. If so, how could the City address problems that come up? Mr. Cohen said the issue can partially be addressed by SMC 20.30.295(D)(6)(c), which requires a fire permit for all tents over 400 square feet. Ms. Lehmborg said she has seen the limitation in other codes, but it did not seem to be necessary, as it has never been identified as an issue in Fire Department inspections. Mr. Cohen said establishing a standard would require that the City identify its purpose and what it is based on. If it is added as simply another layer, it would present more hindrances for people who want to establish a camp. Staff did not see a need to add the requirement.

Commissioner Thomas clarified that, as it stands now and will continue to stand, the code allows up to eight unrelated people to live in a single-family residence. Although this does not include a permanent encampment, there are opportunities for people to bring homeless individuals into their home. But they will need to care for them under their roof versus a tent.

Vice Chair Montero asked what the City's standard fee for a TUP is. Ms. Lehmborg said the fee is increasing to \$1,500 in 2017.

Commissioner Malek said it is viable to think that at least some of the residents living in an encampment would need parking space for a vehicle. Would it be reasonable to require a certain amount of parking, depending on the size of the living space? Ms. Lehmborg said the TUP criteria addresses parking. Staff typically reviews the required parking for the permanent use and considers if there is sufficient overflow to meet the minimum requirement.

VICE CHAIR MONTERO MOVED THAT THE COMMISSION FORWARD THE PROPOSED TRANSITIONAL ENCAMPMENT AMENDMENTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER MALEK SECONDED THE MOTION.

Vice Chair Malek expressed his belief that the proposed amendments are well thought out and an incredible improvement over what was presented at the initial hearing.

Chair Craft said he is cognizant of many of the comments received from citizens during the hearing. He echoes many of the sentiments about needing to find opportunities to create better solutions for this type of situation. He lives near the Richmond Beach Community Church and has observed the camps that have been located there. He agreed there are some components that have negative impacts to

neighboring properties. However, as they are run by religious institutions or other non-profit organizations in the community, the proposed guidelines will create more effective and predictable components that allow for better oversight and communication within the community. They also provide predictability for those who use the encampments. He appreciates the proposed changes, as well as staff's clarification.

COMMISSIONER MALEK MOVED THAT THE MAIN MOTION BE AMENDED BY ADDING "EXCEPT FOR TRANSITIONAL ENCAMPMENTS," AT THE BEGINNING OF SMC 20.30.295(C) (AMENDMENT 3). VICE CHAIR MONTERO SECONDED THE MOTION TO AMEND, WHICH CARRIED UNANIMOUSLY.

Based on public comment and the need for further clarification, Assistant City Attorney Ainsworth-Taylor and Director Markle recommended the Commission consider the following amendments:

- **SMC 20.20.034(M):** Strike the word "homeless" from "transitional homeless encampment." This would be consistent with the term used throughout the code.

COMMISSIONER THOMAS MOVED THAT THE MAIN MOTION BE AMENDED BY STRIKING THE WORD "HOMELESS" IN SMC 20.20.034(M). VICE CHAIR MONTERO SECONDED THE MOTION TO AMEND, WHICH CARRIED UNANIMOUSLY.

- **SMC 20.20.048(T).** Remove the words "or religious organizations" since the definition of "Managing Agency" includes religious organizations.

COMMISSIONER MORK MOVED THAT THE MAIN MOTION BE AMENDED BY REMOVING THE WORDS "OR RELIGIOUS ORGANIZATIONS" FROM SMC 20.20.034(M). COMMISSIONER THOMAS SECONDED THE MOTION TO AMEND, WHICH CARRIED UNANIMOUSLY.

- **SMC 20.30.295(D)(1).** Strike the words "City-approved." This term is no longer necessary given the proposed new definition for "Managing Agency."

COMMISSIONER MALEK MOVED THAT THE MAIN MOTION BE AMENDED BY REMOVING THE WORDS "CITY-APPROVED" FROM SMC 20.30.295(D)(1). VICE CHAIR MONTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **SMC 20.30.295(D)(6)(a).** Add the words "and supporting facilities" after the word "tents." This would include sanitation facilities, etc.

COMMISSIONER MALEK MOVED THAT THE MAIN MOTION BE AMENDED BY INSERTING THE WORDS "AND SUPPORTING FACILITIES" AFTER THE WORD "TENTS" IN SMC 20.30.295(D)(6)(a). VICE CHAIR MONTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **SMC 20.30.295(D).** Add an additional Criteria 11, which would require an encampment to request and pass a final inspection at the end of the encampment in order to address the issue of cleanup.

COMMISSIONER THOMAS MOVED THAT THE MAIN MOTION BE AMENDED BY ADDING A NEW CRITERION 11 TO SMC 20.30.295(D), WHICH WOULD READ, “AT EXPIRATION OF THE PERMIT, THE MANAGING AGENCY SHALL RESTORE THE PROPERTY TO THE SAME OR SIMILAR CONDITION AS AT PERMIT ISSUANCE.” COMMISSIONER MALEK SECONDED THE MOTION TO AMEND, WHICH CARRIED UNANIMOUSLY.

Vice Chair Montero referred to SMC 20.30.295(D)(6)(i), which requires an encampment to provide adequate sanitary facilities. He noted that other codes have more specific requirements such as water sources, refuse receptacles, etc. He asked if Item i would encompass all of the specific requirements. Ms. Lehmborg agreed that many other codes contain specific regulations regarding the sanitary facilities that need to be provided, but staff feels that Item i would cover all of the sanitary facilities needed for an encampment.

THE MAIN MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

Chair Craft closed the public hearing.

DIRECTOR’S REPORT

Director Markle reviewed the written Development Report, which lists what is happening in Shoreline relative to permitting. She specifically highlighted the projects for which permits have recently been issued, as well as remodel and new projects that are currently under review. She noted that there have been 55 pre-application meetings in 2016, which is a record number. The Department also set a record for total revenue (nearly \$2 million).

Director Markle announced that the Lisa Basher has resigned her position as Planning Commission Clerk. She will leave the City at the end of the month to pursue a new career. She thanked her for her three-years of service. Chair Craft said it has been a pleasure to work with Ms. Basher. He thanked her for her contribution in helping the Commission be more effective. The remainder of the Commissioners concurred.

Vice Chair Montero thanked staff for their work on the self-storage amendments, which were recently presented to the City Council.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Thomas said she viewed the December 12th Council Meeting, where the City Council talked about a non-motorized pedestrian bridge at 145th Street. It appears that they do not have to have the bridge exactly adjacent to 145th Street, and they are considering a better opportunity would be 148th or 147th Streets.

AGENDA FOR NEXT MEETING

Mr. Cohen announced that the January 5th meeting agenda will be a continuation of the public hearing on Deep Green amendments. Ms. Redinger has been working to coordinate a tour of the Bullitt Center, and Commissioners need to respond soon so that a special meeting can be advertised.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Easton Craft
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

Planning Commission Meeting Date: January 5, 2017

Agenda Item:

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Deep Green Incentive Program
DEPARTMENT: Planning & Community Development
PRESENTED BY: Miranda Redinger, Senior Planner

- | | | |
|-----------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only |
| <input type="checkbox"/> Discussion | <input type="checkbox"/> Update | <input type="checkbox"/> Other |

INTRODUCTION AND BACKGROUND

On September 30, 2013, Council adopted the Shoreline Climate Action Plan, thereby committing to reduce community greenhouse gas (GHG) emissions 80% by 2050 (80x50), with an interim target of 50% reduction by 2030 (50x30). In 2014, the City reaffirmed that commitment by signing the King County-Cities Climate Collaboration (K4C) Joint County-City Climate Commitments, joining with the County and other cities in similar targets.

Since the selection of these specific targets was based on scientific consensus of what it would take to prevent the most devastating impacts of climate change, an analysis of what was feasible still needed to be completed. Through its partnership with the K4C, the City of Shoreline had the opportunity to work with Climate Solutions' New Energy Cities Program to perform a Carbon Wedge Analysis, which developed strategies for the City to achieve these "ambitious but achievable" targets. Council was introduced to the analysis and strategies at their October 14, 2014 meeting. The staff report from that meeting is available here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2014/staffreport101314-9a.pdf>.

On September 14, 2015, the Council discussed several of the strategies identified through the Climate Action Plan, Carbon Wedge Analysis, and K4C Climate Commitments, and selected three priority recommendations for 2016-2019:

- Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program

Approved By: Project Manager _____

Planning Director _____

- Examining feasibility of District Energy or Combined Heat and Power in areas that are likely to undergo redevelopment, including the light rail station subareas, Aurora Square/Shoreline Place, and Town Center; and
- Conducting a Solarize campaign, including exploring adoption of Solar-Ready regulations, and building on partnerships with local educational, professional, and non-profit organizations dedicated to increasing solar power generation in Shoreline.

The staff report from that meeting is available here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport091415-9b.pdf>.

On February 1, 2016, the Council discussed the three identified priority strategies in further detail. The staff report from that meeting is available here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport020116-8a.pdf>.

On February 18, 2016, the Planning Commission received a presentation from City staff and staff from the International Living Future Institute (ILFI) to introduce the Living Building Challenge and Petal Recognition Program, which are that organization's most stringent certification programs for high-performing green buildings. The staff report from that meeting is available here:

<http://www.shorelinewa.gov/home/showdocument?id=25137>.

On October 20, 2016, the Planning Commission discussed draft Ordinance No. 760 and implementing regulations for the Deep Green Incentive Program (DGIP). The staff report from that meeting is available here:

<http://www.shorelinewa.gov/home/showdocument?id=29219>.

On December 1, 2016, the Planning Commission held a public hearing on draft Ordinance No. 760 and implementing regulations for the DGIP. The staff report from that meeting is available here:

<http://www.shorelinewa.gov/home/showdocument?id=29613>.

During this public hearing, Commissioners raised several questions and concerns about draft regulations, specifically with regard to potential unintended consequences of allowing density and height bonuses in single-family zones. Commissioners requested additional information, offered several options for staff analysis, and voted to continue the public hearing. Additional information, including feedback from a select group of green building developers, and analysis of potential recommendations is included in the Discussion section of this report.

DISCUSSION

ANALYSIS OF OPTIONS PROPOSED ON DECEMBER 1

The primary concern raised by Commissioners was the impact to neighborhood character if the Deep Green Incentive Program was successful in attracting developers who wished to take advantage of density and height bonuses in single-family neighborhoods. However, the Commission also recognized that offering a density bonus was probably the most meaningful incentive with regard to encouraging single-family deep green products.

Several potential solutions were offered for staff analysis, including:

- Only allowing a height bonus in zones with a height limit of 45 feet or higher;
- Only allowing Tier 1- Living Building Challenge projects to utilize DGIP in single-family zones;
- Requiring the developer to put up a Performance Bond for a maximum two-year period until the homeowner would be responsible for obtaining project certification; and/or
- Requiring a minimum lot size for projects in single-family zones to utilize DGIP.

Height bonus only available in zones with 45 foot height limit or greater:

This would remove the option for a 10-foot height bonus in Residential-6 units/acre (R-6) and Mixed-Use-Residential-35-foot height limit (MUR-35') zones. Staff discussed this concept with a select group of local green building developers and they indicated that removing the height bonus in these zones would not create a barrier to potential projects. Given that single-family neighborhoods tend to be sensitive to building height and that the MUR-35' zone was intended to be a transition zone between existing single-family and taller mixed-use buildings closer to the light rail stations, it seems appropriate to continue to restrict height limits in these zones to 35 feet.

Staff supports removal of potential height bonus in single-family and MUR-35' zones from DGIP.

Draft regulations in Attachment A show this change in ~~strike-through~~ format.

Exclusively Living Building Challenge projects in single-family zones:

The International Living Future Institute (ILFI) website contains a comprehensive list of certified project case studies at <https://living-future.org/lbc/case-studies/>. Several local single-family projects certified at Net Zero or Petal Recognition levels are included:

- Common Ground on Lopez Island- <https://living-future.org/lbc/case-studies/common-ground/>
- “Journey to Net Zero” home in Seattle- <https://living-future.org/lbc/case-studies/journey-to-net-zero/>
- “Sustainable Dreams” home in Edmonds- <https://living-future.org/lbc/case-studies/sustainable-dreams/>

- “Ballard NZE House” in Seattle- <https://living-future.org/lbc/case-studies/ballard-nze-house/>

However, the site does not list any single-family homes that meet the full Living Building Challenge criteria. Under the current draft regulations, Petal Recognition projects are eligible for Tier 2 incentives and Net Zero Energy Building (NZEB) projects are eligible for Tier 3 incentives.

In Seattle, the vast majority of projects (over 90%) that have utilized their Priority Green incentive program have achieved certification through Built Green 4-Star, which one of several options available. Under the current draft regulations, 4-Star is not included in the current tiered system, but Built Green Emerald Star projects are eligible for Tier 2 incentives.

Restricting the DGIP to exclusively Living Building Challenge projects in single-family zones could severely limit the potential for other types of deep green housing.

Staff does not support restricting use of DGIP for Emerald Star, LEED Platinum, or NZEB projects in single-family zones.

Developer must pay Performance Bond:

Applicants are required by state statute and the Shoreline Municipal Code (SMC) to post financial guarantees (surety bonds, cash, or assignment of funds) along with a signed performance agreement and/or maintenance/defect/monitoring agreement to ensure the timely and proper completion and maintenance of site improvements. Financial guarantees are also used to warranty materials, workmanship of improvements and design. The guarantees are required for such projects or project components as: commercial or residential permits, subdivision (plat) improvements, landscaping, clearing, grading, restoration, utility connections, storm drainage improvements, and right-of-way work. The SMC requires a financial guarantee as a condition to be met at various stages of the permit process, for example, before permit approval or before issuance of a certificate of occupancy.

The City has a process in place should the Commission recommend and Council adopt the requirement for a developer to put up a bond to ensure that the building would eventually achieve the desired certification. However, in talking with developers, this requirement could be a deal-breaker. For certification programs that require a performance period, it is incumbent on the occupants to utilize the conservation measures designed into the building. The most efficient heating system and the most secure building envelope become meaningless if the occupant chooses to turn up the heat and leave the windows upon.

One developer, who has built projects in Shoreline, said that the homeowner actually makes a larger profit on the resale of her green building certified homes than she did as the builder. This should function as sufficient incentive for a homeowner to achieve the desired certification, in addition to the other benefits of living in a green building.

With regard to modeling, which is required of the developer, versus performance, which is the responsibility of the homeowner, the table below illustrates how various levels of Built Green projects performed as compared to their modeling.

Star-Level	Percent Gain Over Control Group (non-certified homes)	Percent Gain over Code Required by Previous SF Checklist
3-Star	9%	None
4-Star	39%	15%
5-Star	56%	30%

**The final paper containing this table has not yet been published, but numbers have been certified through a third-party reviewer.*

These homes performed better than they were required to by the checklist modeling pre-certification, by quite a bit. Built Green staff believes that this demonstrates that their modeling protocol is a conservative estimate of energy use and the data shows that on average Built Green homes perform better than estimated.

Staff does not support requiring a developer to pay a performance bond.

Minimum Lot size in single-family zones:

At the December 1 hearing, the Commission discussed this option as a means of minimizing negative impacts to neighborhood character by limiting DGIP projects to larger lots. The City has a similar process for duplexes in single-family zones, although the mechanism is different. For example, in order to build a duplex in an R-6 zone, the lot size must be greater than 10,890 square feet. This is the threshold needed for the dwelling unit per acre calculation to be rounded up to two.

Developers that staff spoke with did not see minimum lot size as a barrier to constructing deep green projects in Shoreline.

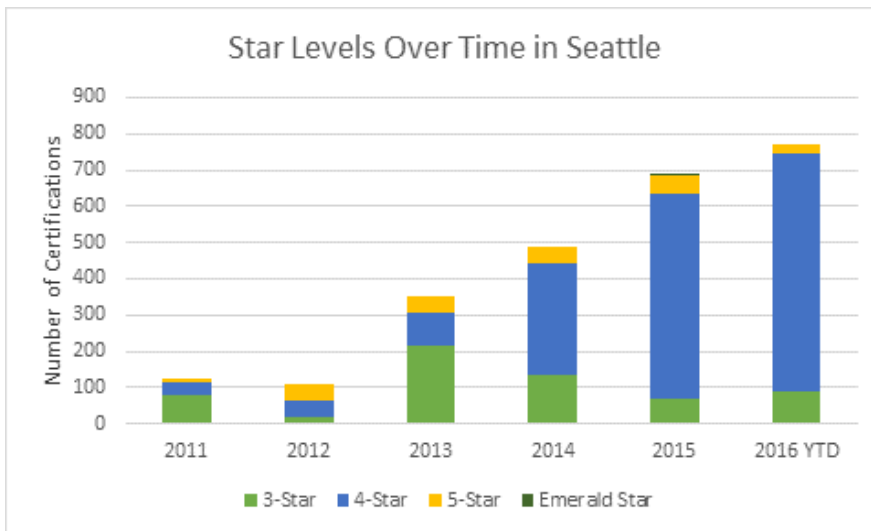
Staff supports a minimum lot size of 10,000 square feet in order to utilize DGIP in single-family zones.

Draft regulations in Attachment A show this change in underline format.

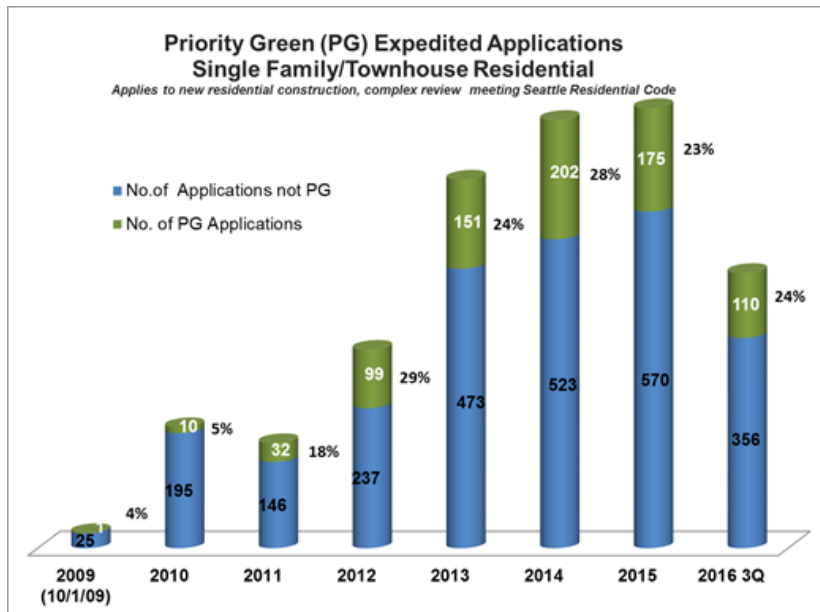
SEATTLE'S EXPERIENCE:

Several Commissioners had questions about Seattle's experience with their Priority Green incentive program. The chart below shows Built Green certifications in Seattle

over time. As referenced above, in 2014 4-Star became the most common certification. While the Priority Green program was adopted in 2010, the economic recession hampered use of the program until more recently.



The chart below shows single-family/townhouse residential projects that took advantage of the Priority Green program versus more conventional homes as a percentage of total permit applications over time. The correlation between the increase in applications through Seattle’s Priority Green and 4-Star certification becoming Built Green’s most utilized certification demonstrates that incentives can be very effective in encouraging builders to aspire to a more stringent level- in this case, to move from 3-Star to 4-Star (which is the minimum certification required to participate in the Priority Green program).



TIMING AND SCHEDULE

Following a recommendation by the Planning Commission, Ordinance No. 760 and implementing regulations are scheduled for a study session before the City Council on February 6, 2017, with potential adoption on March 6, 2017.

RECOMMENDATION

The Commission should propose any desired revisions to the draft Ordinance No. 760 and implementing regulations and make a recommendation to the City Council.

ATTACHMENTS

Attachment A- Draft Ordinance No. 760 adopting the DGIP
Exhibit A- Draft regulations implementing DGIP

Attachment A
January 5, 2017
Planning Commission Public Hearing
(continued from December 5, 2016)

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY OF SHORELINE AMENDING THE UNIFIED DEVELOPMENT CODE, SHORELINE MUNICIPAL CODE TITLE 20, TO IMPLEMENT A DEEP GREEN INCENTIVE PROGRAM

WHEREAS, buildings are responsible for a large portion of negative environmental impacts, accounting for approximately 50% of U.S. carbon emissions and contributing to climate change, persistent toxins in the environment, raw resource consumption, impacts to water supply, habitat loss, and other related concerns; and

WHEREAS, the Deep Green Incentive Program establishes goals for building owners, architects, design professionals, engineers, and contractors to build in a way that provides for a sustainable future through buildings informed by their ecoregion's characteristics that generate all of their own energy with renewable resources, capture and treat all of their water, and operate efficiently with maximum beauty; and

WHEREAS, Deep Green and Living Buildings require a fundamentally different approach to building design, permitting, construction, and operations that may necessitate flexibility in current codes and regulatory processes in order to support their development; and

WHEREAS, The City of Shoreline (City) has been a leader in encouraging sustainable building through construction of a LEED Gold City Hall; adoption of regulations through the 185th and 145th Street Station Subarea Plans that require green building in areas near future light rail stations; identifying energy and water efficient buildings as a primary strategy to meet its greenhouse gas reduction targets adopted through the Climate Action Plan; and initiated other processes, regulations, and incentives to encourage the private market to follow the City's lead; and

WHEREAS, the goal of this ordinance and implementing regulations is to encourage the development of buildings that meet the criteria for certification under the International Living Future Institute, Built-Green, or US Green Building Council programs, through a variety of incentives; and

WHEREAS, the City Council designated adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program as priority strategies for 2016-2019 on September 14, 2015, thereby requesting the Department of Planning & Community Development and the Planning Commission to develop recommendations for implementing the Living Building Program within the City of Shoreline;

NOW, THEREFORE, this ordinance establishes a Deep Green Incentive Program supporting the development of new buildings and the retrofitting of existing buildings that meet the standards defined by the International Living Future

Attachment A
January 5, 2017
Planning Commission Public Hearing
(continued from December 5, 2016)

Institute, Built Green, or the US Green Building Council.

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

Section 1. Amendment of the Unified Development Code, SMC Title 20. The amendments to the Unified Development Code, SMC Title 20, attached hereto as Exhibit A are adopted. Amendments are to Chapters 20.20, 20.30, and 20.50.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 3. Effective Date. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after.

PASSED BY THE CITY COUNCIL ON _____, 2017.

Christopher Roberts
Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____
Effective Date: _____

Attachment A, Exhibit A
January 5, 2017
Planning Commission Public Hearing
(continued from December 1, 2016)

**Draft Development Code Regulations to Implement City of Shoreline
Deep Green Incentive Program
Ordinance 760, Exhibit A**

20.20.016 D definitions.

Deep Green- refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the Deep Green Incentive Program, this definition is divided into tiers. Tier 1 refers specifically to the standards of International Living Future Institute's (ILFI) Living Building Challenge™ certification program; Tier 2 refers specifically to the standards of the ILFI Petal Recognition™ certification program or Built Green's Emerald Star™ certification program; and Tier 3 refers specifically to the standards of the US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum certification program or ILFI's Net Zero Energy Building™ (NZEB) certification program.

20.20.032 L definitions.

Living Building™- generates all of its own energy with renewable resources, captures and treats all of its water, and operates efficiently and for maximum beauty. With regard to the Deep Green Incentive Program, it refers specifically to the International Living Future Institute's Living Building Challenge™ program, which is comprised of seven performance areas. These areas, or "Petals", are place, water, energy, health and happiness, materials, equity, and beauty.

20.30.045 Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones.

1. developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or
2. developments requesting departures under the Deep Green Incentive Program, as per Ordinance No. 760.

This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC [20.30.090](#) for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project that may impact a critical area or its buffer consistent with SMC [20.80.045](#).

A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, or US Green Building Council programs. A representative from

Attachment A, Exhibit A
January 5, 2017
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(continued from December 1, 2016)

prospective certifying agency will be invited to the meeting, but their attendance is not mandatory. The fee for the preapplication meeting will be waived.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas worksheet and, if available, preliminary critical area reports. Plans presented at the preapplication meeting are nonbinding and do not “vest” an application. (Ord. 724 § 1 (Exh. A), 2015; Ord. 439 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

20.30.297 Administrative Design Review (Type A).

1. Administrative Design Review approval of departures from the design standards in SMC 20.50.220 through 20.50.250 and SMC 20.50.530 through 20.50.610 shall be granted by the Director upon their finding that the departure is:
 - a) Consistent with the purposes or intent of the applicable subsections; or
 - b) Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 6, 2011).
2. Projects applying for certification under the Living Building Challenge, Petal Recognition, Emerald Star, Leadership in Energy and Environmental Design Platinum, or Net Zero Energy Building programs may receive departures from development standards under SMC 20.40, 20.50, 20.60, and/or 20.70 upon the Director’s finding that the departures meet A and/or B above, and as further described under 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

20.30.770 Enforcement provisions.

D. Civil Penalties.

8. Deep Green Incentive Program.

- a. Failure to submit the supplemental reports required by subsection 20.50.630(F) by the date required- within six months and two years of issuance of the Certificate of Occupancy- is subject to civil penalties as specified in 20.30.770(D)(1) and 20.30.770(D)(4).
- b. If the project does not meet the requirements after two years of occupancy as detailed under SMC 20.50.630(F)(5)(a-c), the applicant or owner will required to pay the following:
 - i. Failure to demonstrate compliance with the provisions contained in subsection 20.50.630(F)(5)(a-c) is subject to a maximum penalty of five

Attachment A, Exhibit A
January 5, 2017
Planning Commission Public Hearing
(continued from December 1, 2016)

- percent of the construction value set forth in the building permit for the structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.
- ii. In addition, the applicant or owner shall pay any permit or other fees that were waived by the City.

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for the following, based on the certification they intend to achieve:

1. Tier 1 – Living Building Challenge Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the full International Living Future Institute (ILFI) Challenge criteria;
2. Tier 2 – Living Building Petal or Emerald Star Certification: up to 55% reduction in parking required under 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
3. Tier 3 - LEED Platinum or Net Zero Energy Building Certification: up to 40% reduction in parking required under 20.50.390 for projects meeting the respective US Green Building Council or ILFI program criteria.

BC. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

CD. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.

Attachment A, Exhibit A
January 5, 2017
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(continued from December 1, 2016)

~~DE~~. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

~~EE~~. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in subsections A, B, and ~~ED~~ of this section.

~~EG~~. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section. (Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

The entire Code section below constitutes a new subchapter so underline/strike-through format is not used (except for revisions made since the December 1, 2016 Commission meeting).

Subchapter 9: 20.50.630 – Deep Green Incentive Program (DGIP)

A. **Purpose.** The purpose of this section is to establish an incentive program for Living and Deep Green Buildings in the City of Shoreline. The goal of the DGIP is to encourage development that meets the International Living Future Institute’s (ILFI) Living Building Challenge™ (LBC), Petal Recognition™ (PR), or Net Zero Energy Building™ (NZEB) programs; Built Green’s Emerald Star™ (ES) program; and the US Green Building Council’s (USGBC) Leadership in Energy and Environmental Design™ (LEED) Platinum programs by:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

B. Project qualification

1. Application requirements. In order to request exemptions, waivers, or other incentives through the Deep Green Incentive Program, the applicant or owner shall submit a summary demonstrating how their project will meet each of the requirements of the relevant certification program, such as including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems.
2. Qualification process. An eligible project shall qualify for the DGIP upon determination by the Director that it has submitted a complete application pursuant to SMC 20.30.297 Administrative Design Review, and has complied with the application requirements of this subsection.
3. The project must be registered with the appropriate third-party certification entity such as the International Living Future Institute, Built Green, or US Green Building Council.

Attachment A, Exhibit A
January 5, 2017
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(continued from December 1, 2016)

4. Projects requesting departures under the DGIP shall meet the current version of the appropriate certification program, which will qualify them for one of the following tiered packages of incentives:
 - a. Tier 1 - Living Building Certification: achieve all of the Imperatives of the ILFI Living Building Challenge;
 - b. Tier 2 – Emerald Star or Living Building Challenge Petal certification: satisfy requirements of Built Green program or three or more ILFI Petals, including at least one of the following- Water, Energy, or Materials; or
 - c. Tier 3- LEED Platinum or NZEB: satisfy requirements of the respective USGBC or ILFI programs.

C. Director’s Determination. All Shoreline Deep Green Incentive Program projects are subject to review by the Director under Section 20.30.297. Any departures from the Shoreline Development Code (SMC Title 20) must be approved by the Director prior to submittal of building permit application.

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

1. A project qualifying for Tier 1 - Living Building Challenge may be granted a waiver of 100% City-imposed preapplication and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum or NZEB may be granted a waiver of 50% of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).

E. Departures from Development Code requirements: The following requirements must be met in order to approve departures from Development Code requirements:

1. The departure would result in a development that meets the goals of the Shoreline Deep Green Incentive Program and would not conflict with the health and safety of the community. In making this recommendation, the Director shall consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.
2. A Neighborhood Meeting is required for projects departing from standards in the R-4 or R-6 zones.
3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:
 - a. SMC 20.50.020. Residential density limits:
 - i. Tier 1 – Living Building Challenge Certification: up to double the allowed density for projects meeting the full Challenge criteria;

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- ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
- iii. Tier 3 - LEED Platinum or NZEB Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria.

Minimum lot size of 10,000 square feet is required in R-4 and R-6 zones in order to request density bonus.

- b. SMC 20.50.390. Parking requirements:
 - i. Tier 1 – Living Building Challenge Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
 - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 55% reduction in parking required under 20.50.390 for projects meeting the program criteria;
 - iii. Tier 3 - LEED Platinum or NZEB Certification: up to 40% reduction in parking required under 20.50.390 for projects meeting the program criteria.
- c. Setback and lot coverage standards, as determined necessary by the Director;
- d. Use provisions, as determined necessary by the Director
- e. Standards for storage of solid-waste containers;
- f. Open space requirements;
- g. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
- h. ~~Structure height bonus up to 10 feet for a development in a zone with a height limit of 35 feet or less; or a s~~Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater; and
- i. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

F. Compliance with minimum standards

- 1. For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating that the project is likely to achieve the elements of the program through which it intends to be certified.
- 2. For projects applying for an ILFI certification (Tiers 1, 2, or 3), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that an LBC Preliminary Audit has been scheduled; such as a paid invoice and date of scheduled audit. After construction and within twelve months of issuance of Certificate of Occupancy, the applicant or owner must show a preliminary audit report

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from ILFI demonstrating project compliance with the Place, Materials, Indoor Air Quality, and Beauty/Inspiration Imperatives that do not require a performance period.

3. For projects aiming for Built Green Emerald Star certification (Tier 2), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that the project successfully met Built Green Emerald Star certification by way of the Certificate of Merit from the program.
4. For projects pursuing LEED certification (Tier 3), the applicant or owner must show, after construction and within six months of issuance of the Certificate of Occupancy, that the project has successfully completed the LEED Design Review phase by way of the final certification report.
5. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as requested in writing by the owner and approved by the Director for compelling circumstances, the owner shall submit to the Director the project's certification demonstrating how the project complies with the standards contained in this subsection. Compliance must be demonstrated through an independent certification from a third party such as ILFI, Built Green, or USGBC/Green Building Cascadia Institute (GBCI). A request for an extension to this requirement must be in writing and must contain detailed information about the need for the extension.
 - a. For projects pursuing ILFI certification (Living Building Challenge, Petal Recognition, or Net Zero Energy Building), performance based requirements such as energy and water must demonstrate compliance through certification from ILFI within the two year timeframe noted above.
 - b. For projects pursuing Built Green certification post-occupancy compliance must be demonstrated with analysis proving 12 consecutive months of net zero energy performance and/or 70% reduction in occupant water use. It is the owner's responsibility to submit utility information to Built Green so analysis can be conducted and shown to the Director.
 - c. For projects pursuing LEED certification, the applicant or owner must show proof of certification by way of the final LEED Construction Review report and LEED Certificate issued by USGBC/GBCI.
6. If the Director determines that the report submitted provides satisfactory evidence that the project has complied with the standards contained in this subsection, the Director shall send the owner a written statement that the project has complied with the standards of the Shoreline Deep Green Incentive Program. If the Director determines that the project does not comply with the standards in this subsection, the Director shall notify the owner of the aspects in which the project does not comply. Components of the project that are included in order to comply with the minimum standards

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of the Shoreline Deep Green Incentive Program shall remain for the life of the project.

7. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for justifiable cause, the owner may submit a supplemental report demonstrating that alterations or improvements have been made such that the project now meets the standards in this subsection.
8. If the owner fails to submit a supplemental report within the time allowed pursuant to this subsection, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in this subsection, and the owner shall be subject to penalties as set forth in subsection 20.30.770.

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