

**PLANNING COMMISSION AGENDA ITEM**

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments #301935**DEPARTMENT:** Planning & Community Development**PRESENTED BY:** Steven Szafran, AICP, Senior Planner **Public Hearing** **Discussion** **Study Session** **Update** **Recommendation Only** **Other****Introduction to the Planning Commission Public Hearing**

The purpose of this meeting is to conduct a public hearing on proposed amendments to Title 20 of the Shoreline Municipal Code (Development Code) (**Attachment 1**). Any and all persons interested in providing comments on the proposed Development Code Amendments are encouraged to do so orally in person at this meeting or in writing via email, U.S. mail, or at the meeting.

The Planning Commission conducted a study session on May 1, 2014. The staff report from the study session that provides the background and analysis for the proposal is included for reference as **Attachment 2**.

The purpose of this staff report is to respond to specific questions raised by the Commission and public comment.

**Study Session Questions**

1. *Is there an inconsistency between Daycare II facilities being either a permitted use with indexed criteria or a Conditional Use in the R-4 and R-6 zones in SMC 20.30.130 - use tables?*

Daycare II Facilities are listed as a permitted use (P-i) in the R-4 through R-12 zones with additional criteria. The reason Conditional Use are not shown in the land use table is because the criteria in the index (SMC 20.30.320) better distinguishes with R-4/R-6 zones or R-8/R-12 zones and when they are allowed and with what kind of approval is needed. The way the code amendment is written in SMC 20.40.320; Daycare II facilities are only allowed through an approved Conditional Use Permit in the R-8 and R-12 zone OR as a reuse of an existing place of worship or school facility without expansion in the R-4 through R-12 zone.

2. *Should the City require second story additions to be setback when the current structure is already nonconforming to setbacks?*

The Development Code allows adding horizontally to a structure with nonconforming setbacks but is unclear if it includes adding height to a structure as well.

Approved By:

Project Manager Planning Director   


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The Planning Commission questioned how the City interprets setbacks when adding on to structures with nonconforming setbacks. City staff has interpreted the code to allow limited additions to this nonconformance as long as the addition is extended horizontally and not vertically. Staff believes that adding onto nonconforming structures horizontally constitutes less of an impact than allowing second story additions to that same structure.

- 3. The Commission recommended the following changes in section 20.50.240 – Site design. First, should first floor ceiling heights in commercial zones require a minimum 12 feet? Second, the wording in section F1 is should be clearer. Third, the Commission questioned locating play areas adjacent to parking lots and finally, the word “strictly” has been added to section J2.*

Based on the Planning Commission discussion, staff is recommending this amendment be withdrawn and the current Development Code language be left unchanged which allows modification through an Administrative Design Review application.

The Commission recommended changing the term “full commercial development” in section F1. Staff agrees and is recommending changing the language to: Public places are required for the commercial portions of development at a rate of 4 square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet.

The proposed language in section G.1.c. removes parking lots so that multifamily open spaces may be located adjacent to parking lots. The Commission expressed concerns about locating play areas adjacent to parking lots.

The last change to SMC 20.50.240 adds the word strictly to the last sentence in J.2. The sentence now reads, “Painting mechanical equipment strictly as a means of screening is not permitted”.

- 4. Should Seattle Golf Club be exempt from the clearing and grading standards as listed in the proposed language in SMC 20.50.310?*

Some Planning Commission members questioned portions of the amendment submitted by the Seattle Golf Club. The Commission questioned items 7c, 7e, 7f and 7h. Item 7c would allow land surface modifications including change of the existing grade by four feet or more. Item 7e would allow the removal of significant trees as required maintaining and providing reasonable use of a golf course. Item 7f would exempt golf courses from providing replacement trees when removing significant trees and item 7h is the stockpiling and storage of organic materials.

The Commission discussed adding an upper limit to item 7c instead of the proposed language which will allow an unlimited change of existing grade. The Development Code currently requires a clearing and grading permit when the existing grade is changed by four feet or more. A permit is also required when earthwork of 50 cubic yards or more is done. The Commission may wish to amend the requirement for a permit to change grade by 4 feet or more or some other standard that allows for golf

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courses to make alterations that are reasonable for normal golf course operations. Also, the Commission may wish to limit the threshold to 1,000 cubic yards of material which is the SEPA Threshold for earthwork instead of the original proposal which did not set limits.

The applicant has proposed amending the language in item 7c by allowing a change in the existing grade up to forty feet without a clearing and grading permit.

Item 7e will allow Seattle Golf Club to remove an unspecified number of significant trees up to 65% of the existing total tree count without obtaining a clearing and grading permit to maintain and provide reasonable use of a golf course. It is unclear from the proposed Development Code language what normal and routine maintenance of a golf course is. The proposed code language attempts to describe normal and routine maintenance as the preservation and enhancement of greens, tees, fairways, pace of play, and visual quality. If approved, the Seattle Golf Club may remove an unspecified number of trees, without replacement, with no record or inventory of trees removed.

The applicant has provided an alternative to the language presented at the study session. The alternative language is presented as **Attachment 4**. The language proposed by the applicant attempts to relieve concerns over permit exemptions for grade changes and removal of significant trees. Staff supports raising the significant tree retention to 50% as proposed by the applicant. 50% significant tree retention is greater than the 30% significant tree retention currently required by SMC 20.50.350 (B2) and mirrors recent approvals for tree retention at CRISTA and Shoreline Community College.

The applicant has proposed two alternatives for item 7e which is the section that exempts significant tree removal from a clearing and grading permit. The first alternative increases the retention requirement for significant trees from 35% to 50%. The second alternative retains the requirement for 35% significant tree retention but adds a qualifier that suggests that removal of up to 65% of the significant trees onsite is not normal and routine maintenance.

The final amendment proposed by the applicant adds language to item 7f. Item 7f would allow golf courses to be exempt from tree replacement requirements in SMC 20.50.360(C). The language proposed by the applicant retains the request to be exempted from SMC 20.50.360(C) but adds a statement about making a reasonable effort to replant trees and complying with a number of goals. The Commission could recommend alternative language such as reducing the number of replacement trees to .5 for every tree removed or 1 replacement tree for every tree removed with the option for offsite tree replacement at either a reduced rate or in accordance with SMC 20.50.360 (L).

The Commission discussed item 7h which would allow golf courses to stockpile and store organic materials without a permit. Currently, the threshold for stockpiling and storage is 50 cubic yards of material without obtaining a permit. Staff recommends establishing a maximum threshold for stockpiling and storage such as 1,000 cubic yards which is the threshold for SEPA review. Any stockpiling or storage of organic

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material is subject to the City's National Pollutant Discharge Elimination System permit which is enforced by the Department of Ecology.

5. *The Planning Commission discussed bike parking and has questions about the demand and future need for bike parking. Are .5 bicycle parking spaces per unit a good place to start?*

Staff explained at the study session that the current Development Code requirement of 1 parking space per studio or 1-bedroom and 2 parking spots per unit having 2 or more bedrooms is excessive and feedback from developers has been negative. Seattle conducted a bicycle parking study which recommended .2 to .6 bicycle parking spaces per unit in dense urban centers such as Capitol Hill, U-District and Queen Ann.

Staff believes that .5 long-term bicycle parking spots is a reasonable number considering dense urban centers around Seattle have roughly the same parking requirements as Shoreline's proposed bicycle parking requirement.

6. *Should temporary signs be expanded to allow a sign per each street frontage?*

The Commission recommended expanding this code amendment to include temporary signs on each street frontage for houses of worship and schools. Some schools, such as Shorewood High School, are large and front multiple streets. Sites like this should be allowed to advertize special events on each of the frontages since they are large sites and the signs are temporary in nature. The proposed language has been revised to allow temporary signs on each street frontage for schools and places of worship.

### **Additional Amendments**

At the study session, the Commission directed staff to search the Development Code in order to find outdated references to the department name. Staff found five additional code sections that refer to the Department's old name. The following sections will be updated to reflect the department's current name – Planning & Community Development Department:

- SMC 20.30.085 – Early community input meeting
- SMC 20.30.090 – Neighborhood meeting
- SMC 20.30.315 – Site development permit
- SMC 20.30.340 – Amendment and review of the Comprehensive Plan
- SMC 20.50.610 – Exempt signs

### Public Comment

The Planning Commission received two public comment letters (see **Attachment 5**). The first letter was from the Innis Arden Club and the second letter was from T. Richard Leary. Both letters comment on the proposed amendment submitted by Seattle Golf Club (SGC) to SMC 20.50.310. The issues raised in both letters are listed below and include a staff response in *italics*.

- **Preferential Treatment of One Property Owner** – The Innis Arden Club believes the proposed amendment to SMC 20.50.310 is a special exemption for one large property owner. *Though the amendment applies to any golf course, there is only one in Shoreline and it is unlikely that more will be developed.*
- **Vegetation Management Plans (VMPs)** – The Innis Arden Club believes that the City adoption of regulations for VMPs could establish a framework for City review and provide appropriate flexibility to many landowners throughout the City. *SGC chose to submit an amendment to SMC 20.50.310 to exempt golf courses from a clearing and grading permit. The City evaluated the proposal by SGC and made a recommendation to the Commission based on their submittal. However, any property owner can submit a code amendment that allows VMPs and the City will evaluate those as well.*
- **Lack of Critical Area Review** – The Innis Arden Club and Mr. Leary state the City failed to evaluate the SGC site for critical areas. *Staff looked at materials provided by the applicant and critical area maps and noted that there is a wetland on SGC's property. The SGC property also potentially contains moderate to steep slopes. It is unknown if the slopes present any landslide hazard dangers. The proposed language in SMC 20.50.310 would require 50% significant tree retention. The current code language requires 30% significant tree retention on properties that contain one or more critical areas. The proposed exemption must meet critical area regulations.*
- **No Significant Tree Baseline Established at the Seattle Golf Club** – *SGC did not submit an inventory of significant trees on their property, nor are they required to for a Development Code amendment proposal.*

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- **Tree Replacement** – The Innis Arden Club states that proposed tree replacement requirements are not consistent with the Comprehensive Plan. Goal NE X states, “Maintain and improve the city’s tree canopy”. The proposed amendment in SMC 20.50.310 will require 50% significant tree retention on golf course instead of 30% that is currently required.

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

*Policy NE18 directs the City to establish regulations to protect mature trees and other vegetation from the adverse impacts of commercial development.*

*Policy NE 19 says to minimize removal of healthy trees, and encourage planting of native species in appropriate locations.*

*The proposed language in SMC 20.50.310 balances significant tree removal regulations with the use of the Seattle Golf Club. Requiring 50% significant tree retention strengthens the current code requirement of 30% significant tree retention while allowing the Seattle Golf Club to use their property conductive to current use.*

- **SEPA Review** – The Innis Arden Club believes the City erred in its SEPA review. The City issued a SEPA Determination of Nonsignificance and advertized the DNS through the appropriate notifications. The DNS stated one public comment due date where the State SEPA Register stated another. The City honored the date provided by the State which stated a longer comment period than the one provided by staff. The final SEPA Checklist was labeled as “draft” when it was really the final signed copy. The information contained in the SEPA Checklist did not change from either copy.

*The Commission is not responsible for SEPA review. There is no administrative appeal of the SEPA determination. However, any member of the public may appeal the SEPA determination with the development code amendments to King County Superior Court.*

### **Recommendation**

Staff recommends approval of the proposed batch of Development Code amendments with the following modifications as shown on Attachment 1.

### **Attachments**

- Attachment 1 – Proposed Development Code Amendments in Legislative Form.
- Attachment 2 – Study Session Staff Report with Attachments
- Attachment 3 – Proposed Development Code Amendments in Standard Form
- Attachment 4 – Supplement to Seattle Golf Club’s Amendment Request
- Attachment 5 – Public Comment Letters