

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

June 4, 2015
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Scully
Vice Chair Craft
Commissioner Malek
Commissioner Maul
Commissioner Montero
Commissioner Mork
Commissioner Moss-Thomas

Staff Present

Rachael Markle, Director, Planning & Community Development
Paul Cohen, Planning Manager, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Juniper Nammi, Associate Planner, Planning & Community Development
Lisa Basher, Planning Commission Clerk

CALL TO ORDER

Chair Scully 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 Scully, Vice Chair Craft and Commissioners Malek, Maul, Montero, Moss and Mork.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of May 21, 2015 were adopted as corrected.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to speak during this portion of the meeting.

STUDY ITEM: CRITICAL AREAS ORDINANCE UPDATE -- WETLANDS

Staff Presentation

Ms. Nammi advised that this is the second of five meetings in which the Planning Commission will review proposed changes to the Critical Areas Ordinance (CAO). The Commission was introduced to the CAO update requirements at their last meeting, and tonight's discussion will focus on the Wetlands Chapter, as well as associated changes needed in the Shoreline Master Program (SMP). The topic of discussion at the next meeting will be the Geologic Hazard Areas Chapter.

Ms. Nammi explained that the SMP is required by the Growth Management Act (GMA) and the Shoreline Management Act (SMA), and is an overlay that applies from the center of Puget Sound to 200 feet landward from the ordinary high water mark. The CAO is also required by GMA and overlays zoning. However, rather than following property lines, it is based on the location of the actual natural features that are protected. Because the wetlands chapter of the CAO did not meet Best Available Science (BAS) standards when the City's SMP was last updated in 2013, separate regulations for wetlands were adopted into the SMP. The goal of the proposed amendments is to update and consolidate the wetland regulations in both the CAO and SMP into one chapter for consistency and ease of administration.

Ms. Nammi further explained that the text of the current SMP contains specific policies and regulations related to floodplains. The SMP also references the floodplain management regulations that were adopted into the CAO in 2012. The floodplain management regulations in both the SMP and the CAO are consistent with BAS, and the intent is to delete the text regulations in the SMP and just use those that are currently found in the CAO.

Ms. Nammi explained that BAS is information gained through a valid scientific process and must include at least some of the following characteristics: be peer reviewed; include clear and repeatable methods; be based on quantitative analysis; keep the information in context; and provide references to the literature that supports the science. The State of Washington provides an outline of potential sources of BAS, which includes the Department of Ecology's (DOE) synthesis and analysis. She noted that the Staff Report identifies the various documents used to draft the proposed amendments.

In addition to clarifying the language and incorporating the SMP regulations into the CAO, staff is proposing changes that are tied to BAS and based on the scientific findings provided by the DOE. She reviewed the proposed revisions to the wetlands chapter of the CAO (Attachment B) as follows:

- Update the rating system and function point references for consistency with the 2014 update of the State's Wetlands Ratings System.
- Revise "exemptions" and "allowed activities" language so the cumulative impacts from small changes are mitigated.
- Add a provision allowing development in required buffers that are physically separated and functionally isolated. As per BAS, this provision would apply when there is a physical barrier (road, railroad tracks, building, etc.) between a wetland and the land you want to develop that prevents the buffer area that would normally be required from providing functional protection to the wetland. For example, a 200-foot buffer for Echo Lake would take you past the Interurban Trail and include the

houses on the east side of the trail. There is no scientific basis for preventing development on the east side of the trail because the existing improvement disconnects the properties on the east side from the wetland.

- Add a list of the maps the City draws from when determining whether or not a wetland exists in a particular location. Since the last CAO update, the City has added to its knowledge of the wetlands in Shoreline, and the list of maps is intended to inform the public, customers, and staff members where to look to locate identified wetlands.
- Add a development standards sections in order to provide clear information about what can and cannot happen in wetlands or their buffers and when a permit and/or mitigation will be required.
- Add report requirements for Wetland Critical Area Reports so it is easier to determine when all of the required information is included in a report or not.
- Add performance and mitigation standards that would be functionally helpful in deciding whether a project meets the requirements or not.
- Replace the current generic code enforcement section. Using model language from the example code provided by the DOE, staff is working to draft a new, more specific enforcement section related to critical areas.

Ms. Nammi summarized that, at a minimum, the CAO update must incorporate BAS. Amendments that provide clarity and predictability are not required, but they will provide better customer service and enable staff to do its job more consistently and easily. The proposed revisions to the SMP are meant to eliminate duplicate regulations and incorporate by reference the updated critical areas regulations for all types of critical areas. Chair Scully encouraged Commissioners to submit minor typographical changes to staff via email (Plancom). Ms. Nammi reviewed the proposed changes as follows:

- **SMC 20.20 – Definitions.** Ms. Nammi reviewed that the definitions in the SMP include all definitions that relate to critical areas, but only definitions that are to be moved to the CAO or are already duplicated by definitions in the CAO are proposed for deletion. The definitions are based on BAS and go along with staff's intent to require more thorough information and analysis from the wetland specialists who prepare the Critical Area Reports. She briefly reviewed the proposed changes to the definition section as outlined in the Staff Report, and invited the Commissioners to contact her if there are other terms used in the code that would benefit from being defined.
- **SMC 20.80 and SMC 20.80.030 – Exemptions.** Ms. Nammi said the exemption for small, isolated Type IV Wetlands would be deleted, and new language would be added to facilitate development where smaller wetlands might be in the way, but still require mitigation of the impacts. The intent is to minimize the cumulative, unmitigated impacts in the City.
- **SMC 20.80.320 – Wetlands Designation, Delineation, Mapping and Rating.** Ms. Nammi advised that the current language in the SMP would be moved to this section and a mapping section would

be added. The City has the ability to update the GIS mapping that is used on a day-to-day basis. It is important to understand that wetlands are regulated regardless of whether they have been formally identified and delineated. It is the property owner's responsibility to notify the City of potential wetlands that are not yet identified on the City's map when a permit application is submitted. The proposed new wetlands designation categories are similar to the old ones, but they are a bit more technical. For example, Category I Wetlands are defined as having very high performing functions or are very unique types of wetlands. To her knowledge, there are no Category I Wetlands in the City. Known Category II include Echo Lake, Meridian Park, Ronald Bog, and Twin Ponds. Meridian Park was recently typed in conjunction with stormwater and restoration work using the State's Wetland Rating System. Under the 2014 updated system it is still a Category II Wetland.

Commissioner Montero asked if Ronald Bog is still considered a bog. Ms. Nammi answered no and explained that bogs are very sensitive. Removing the peat changes the hydrology, acidity, and micro environment that makes it a bog. Bogs cannot be restored. The same is true for Bruggers Bog.

- **SMC 20.230.030(C)(3) – Regulated Activities.** Ms. Nammi reviewed that the SMP currently includes provisions that specifically identify regulated activities, and the CAO currently uses a different approach that integrates review of critical areas throughout the various elements of the Development Code. Staff does not recommend moving the SMP provision for regulated activities into the CAO because it would conflict with the approach taken in the CAO for identifying applicability.
- **SMC 20.80.323 – Development Standards.** Ms. Nammi explained that the current CAO includes a list of exemptions, which are activities that can happen without the rest of the critical area standards applying. The state's model code, which is what the SMP wetlands language is based on, provides two separate lists: one for things that can occur within a wetland, and another for things that can occur within a wetland buffer. Some of the activities on the list are the same and others are specifically different. She explained that the exemptions that apply to all types of critical areas will likely be retained, and two new sections could be added pertaining to wetlands and wetland buffers, consistent with the State's model code. Alternately, the exemption and allowed activities could be listed in one place for each critical areas type, including some redundancy. Staff is seeking input from the Commission about whether they have a preference for how these exemptions and allowed activities are organized.

Ms. Nammi explained that a provision is proposed to allow for wetlands to be enhanced by removing nonnative, invasive plant species, limited to up to 500 square feet of area within one year on private property. The current code requires a permit and a Critical Areas Report, and possibly five years of monitoring which can be cost prohibitive.

Ms. Nammi reported that, just today, staff received a comment letter asking why a provision that allows the removal of invasive species up to 1,500 square feet only applies to private properties. She explained there is an existing separate provision for park properties in the clearing and grading section of the code, which will likely be consolidated into one section when general provisions are updated.

Ms. Nammi noted that the proposed development standards also address when mitigation will be required, and when the mitigation might require review by a third-party professional (consultant on contract with the City). The standards would also be amended to allow for impacts to small, hydrologically-isolated Category IV Wetlands, provided that the impacts are mitigated and under specific conditions.

- **SMC 20.80.326 – Critical Area Report Requirements.** Ms. Nammi said this is a new section that contains language from the SMP, as well as clarifying language found in example codes from neighboring jurisdictions. There are three different kinds of Critical Area Reports:
 - A wetland reconnaissance report documents the existence and general location of wetlands in the vicinity of a project. This type of report would be required to substantiate that a proposed project is outside the maximum possible buffer.
 - A wetland delineation report documents the extent, boundary and type of wetland. This type of report would require field visits by the qualified professional to delineate the boundaries of the buffer to identify the buildable area. This is the stage at which a wetland would be categorized.
 - A wetland mitigation report documenting potential wetland impacts and mitigation measures designed to retain or increase the functions and values of a wetland. This part of the report is the plan for mitigation if impacts are proposed and allowed in the wetland or its buffer.

Ms. Nammi explained that the standards for the first two types of Critical Area Reports are included in SMC 20.80.326, but the mitigation report standards are found in SMC 20.80.350 (Compensatory Mitigation Performance Standards and Requirements).

- **SMC 20.80.330 – Required Buffer Areas.** Ms. Nammi said there are four different ways the DOE suggests cities can regulate buffers:
 1. Fixed buffer widths based on wetland category only.
 2. Widths based on wetland category and intensity of adjacent land use.
 3. Widths based on wetland category, intensity of use, and other function scores and characteristics derived from the wetland rating form.
 4. Widths based on the category and the habitat functions score from the wetland rating form.

Ms. Nammi explained that almost all existing or typically allowed uses in the City are high-intensity uses, so Option 2 would not result in any variation except based on wetland category. Commissioner Malek asked if this would be true even for the R-6 zone. Ms. Nammi answered that for residential zones, the DOE considers medium or low intensity to be less than one unit per acre based on science and the impact it has on the resource. Ms. Nammi further explained that Option 1 provides no flexibility based on the quality of the wetland, and Option 3 would be complicated to administer but would provide the most flexibility.

Ms. Nammi said Option 4 is the version currently included in the City's SMP, and staff is recommending that it be incorporated into the CAO, as well. For example, under the current wetlands regulations Meridian Park is classified as a Type II Wetland, which requires a 115-foot

standard buffer that could be reduced down to 75 feet with enhancement. Under the proposed regulations, Meridian Park would be a Category II Wetland with a habitat score of 5 based on the rating system. The standard buffer would be 105 feet, but could be reduced to 75 feet with buffer averaging. Averaging allows for a reduction of part of the buffer, as long as the total square footage of the buffer is not less than the standard. While the buffer widths would be nearly the same, it is anticipated the proposed regulation would result in greater buffer area.

Ms. Nammi advised that Table 20.80.330(A)(1), which outlines the wetland buffer requirements, was updated consistent with the DOE's 2014 Wetlands Rating System. The table identifies required measures to minimize impacts. If a developer chooses not to implement the minimum requirements, the required buffer would be greater.

Ms. Nammi advised that SMC 20.80.330(A)(5) also includes provisions for when a buffer could be increased. For example, if the buffer is just lawn, bare dirt, or a parking lot, a larger buffer would be required because the current buffer does not provide the functions it is assumed to provide if it were in native vegetation. Buffer averaging provisions are outlined in SMC 20.80.330(A)(6) and includes situations where buffer averaging is allowed when reasonable use is denied.

Ms. Nammi referred to SMC 20.80.330(H), which outlines the allowed uses in wetland buffers. For example, while trails through a wetland would not typically be allowed, they would be allowed in the wetland buffers. A provision was added to this section related to development proposals within physically-separated and functionally-isolated stream or wetland buffers. She explained that if the buffer cannot function properly, there is no point in preventing development or requiring mitigation that isn't going to add any protection to the critical area.

- **SMC 20.80.350 – Compensatory Mitigation Performance Standards and Requirements.** Ms. Nammi explained that compensatory mitigation would only be allowed after it is demonstrated that the impacts of a project cannot be avoided without denying reasonable use of a property. As outlined in the section, before impacting any wetland or its buffer, an applicant would have to demonstrate that the actions, which are listed in order of preference, have been taken. She briefly reviewed the performance standards and requirements, which are based on state and federal guidelines. She acknowledged that some of the language may not be applicable to Shoreline. For example, it is not likely that a wetland would need to be mitigated, as most of the mitigation will occur in the buffers. She noted that this section also provides mitigation performance standards and outlines the requirements for Compensatory Mitigation Reports, Monitoring Programs, and Contingency Plans.
- **SMC 20.80.360 – Unauthorized Alterations and Enforcement.** This section outlines the code enforcement provisions and basically describes what the City currently does to restore impacts to wetlands, but it actually lays out the steps in the code. Instead of having it just in the Wetlands and/or Streams Sections, staff will likely propose a code enforcement section for critical areas generally to supplement the code enforcement provisions found at the beginning of the Development Code. The intent is to require a restoration plan, which will have the same requirements as a mitigation plan. She emphasized that it is not always possible to restore the functions that a wetland and buffer provided, and there would be penalties for functions that cannot be restored.

Public Comment

Richard Kink, Shoreline, said he was present to speak on behalf of the Richmond Beach Preservation Association, which represents the 32 homeowners on 27th Avenue Northwest. He thanked Ms. Nammi for meeting with the Association to review the draft amendments. They strongly support the physically-separated and functionally-isolated provision that have been proposed, but they are a bit concerned about the timing of the proposed adoption. They just received the proposal last Friday afternoon, and 180 pages is a lot for a layperson to review and understand in a very short amount of time. This makes it difficult to comment and offer suggestions. The Association will continue to work with Ms. Nammi as the other sections come forward.

Tom Jamieson, Shoreline, recognized that he is not an expert in BAS, but he is concerned about consistency. It appears the proposed amendments are moving from being specific to being more general. He recalled that, although he was not involved in the SMP conversations, he assumes people were not really thinking in terms of applying the SMP to all critical areas. He commented that not only is it a fallacy to conclude that what is true for the SMP is also true for all critical areas in general, it is also not good public outreach. The City spent several years developing the SMP, and it is likely that most citizens who participated in the process were from areas near the shoreline. He noted that this same concern applies to the 185th Street Station Subarea Plan, because citizens did not understand that the zoning provisions would later be applied to the 145th Street Station Subarea Plan. While consistency between the CAO and SMP may be appropriate, it should have been made clear during the SMP process. In the interest of fairness, he suggested the Commission spend more time looking at the definitions rather than simply adopting them by rule.

Leslie Frosch, Shoreline, expressed her belief that the regulations for all the critical areas, particularly the wetlands, should be more protective as opposed to allowing further encroachment. Once a wetland is gone, it will be very difficult to replace. She encouraged the City to protect wetlands as much as possible when development occurs.

Planning Commission Questions

Commissioner Moss-Thomas asked Ms. Nammi to provide more information about the areas where there are direct conflicts between the CAO and the SMP, making it is necessary to retain both. Ms. Nammi answered that while they may not be in direct conflict, many regulations are duplicative. For example, the regulations related to wetlands and floodplains in both the SMP and the CAO are consistent, but different language is used to say the same thing. Before the CAO update, it made sense to have separate standards for wetlands in the SMP because the SMP was based on the State's model code, as well as BAS. She said staff believes the language that would be transferred from the SMP to the CAO would be the same whether it is applied specifically to shorelines or to critical areas in general. Commissioner Moss-Thomas pointed out that with any conflict, the more restrictive provision would apply.

Commissioner Malek asked what would constitute an inability to establish a buffer. Ms. Nammi explained that these provisions would apply to properties that are completely encumbered by wetlands

or their buffers and there is no reasonable use for the property. There has been at least one Critical Area Reasonable Use Permit carried out to completion in the last 10 years. In this situation a wetland and wetland function was replaced in another location in exchange for filling in a portion of the wetland to carve out a building footprint for a new house. These permit applications are reviewed and approved by the Hearing Examiner.

Commissioner Moss-Thomas asked how the City informs property owners that they are responsible to notify the City if they believe there are critical areas on their properties. She asked if the City investigates situations where a citizen reports a potential critical area on his/her neighbor's property. Mr. Cohen explained that the City's interest in a particular critical area is triggered when a development permit application is submitted. The City does not investigate unless an applicant is proposing to develop a site. Sometimes, critical areas are recorded as a notice on title, but the City cannot automatically require a notice on title for all properties where critical areas are known. Property owners are required to fill out a critical areas worksheet as part of a development permit application, and a plat map may identify critical areas, as well. It is in the property owner's best interest to inform the City early in the process, and staff does its best to inform property owners if and when they suspect a critical area. Commissioner Moss-Thomas summarized that property owners are not responsible for contacting the City to report potential critical areas unless there is a pending activity that would change the environment.

Commissioner Montero commented that as the City moves forward with the 145th and 185th Station Subarea Plans, there may be concurrent development in wetland areas. He asked if the proposed CAO update would include provisions for in-lieu-of fees or a mitigation bank. Ms. Nammi said staff is not recommending a provision for wetland banks because the existing wetland banks are not located within the City's Water Resource Inventory Area (WIRA). However, she agreed that staff could review the option further if directed by the Commission. Chair Scully noted that in-lieu-of fees is a form of compensatory mitigation and would only be an option via a Reasonable Use Permit.

Commissioner Maul asked if City staff conducts site observation when a development application is submitted. Mr. Cohen said the City's standard procedure is for project managers to conduct a site visit. Ms. Nammi added that site visits are only done for larger projects where a pre-application meeting is a standard step or for properties where critical areas are suspected.

Commissioner Mork recalled that there is significant concern about stormwater issues associated with the Aurora Square Community Renewal Area (CRA). She asked if provisions could be incorporated into the CRA as a way to create a wetland instead of doing more traditional facilitating of stormwater runoff. Mr. Cohen agreed that is an option, but it would not be required. Commissioner Mork asked if this would be a simpler approach for stormwater. Mr. Cohen expressed his belief that it would be more difficult and costly since it would require a significant amount of land. He reviewed that stormwater management would be required for any redevelopment at Aurora Square. On-site management is preferable, but there are also options for off-site alternatives. Chair Scully observed that the stormwater code is a separate issue from the CAO. Commissioner Mork is simply asking what would happen if there are multiple properties with critical areas. Ms. Nammi said there are provisions in the Compensatory Mitigation Section to facilitate this option, but it would be very complicated.

Chair Scully referred SMC 20.80.310(E) related to illegal modifications. He noted that the section simply talks about how wetlands are categorized, and the illegal modification provision is not punitive. He questioned why the City would need to prove the applicant knew about a wetland in order for it to be considered an illegal modification. Ms. Nammi said this language came from the SMP, and the intent is to say that the category would not change based on an illegal modification, but a permitted modification may result in a category change. The provision would apply to the state of the wetland on the date the new rating system is adopted. Any changes prior to that would not be considered. Chair Scully suggested that the language be modified by deleting “made by the applicant or with the applicant’s knowledge.”

Commissioner Moss-Thomas asked if the CAO would provide links to the maps that are listed in the document as resources the City uses. Ms. Nammi said the City does not typically provide hyperlinks to other websites in its municipal code. However, she was able to search the web and easily locate those that are not City documents. The City documents can be accessed via a link. Ms. Nammi noted that providing a list of the maps and possible data sources is a step forward. Mr. Cohen added that, at some point in the future, staff will consider whether the information could be available via the City’s website rather than a handout. The goal is to provide everybody with access to the resources.

Commissioner Mork asked if there are any underground (piped) streams in the City. Ms. Nammi answered affirmatively and explained that they are regulated by the stream provisions rather than the wetland provisions.

Chair Scully referred to comments made about the timing of the final product. Ms. Nammi said a public hearing before the Planning Commission is currently scheduled for July 16th, and that would be the last date for written testimony, as well. However, the hearing date may be pushed out. Chair Scully invited interested citizens to submit written comments prior to the July 16th hearing and/or attend the public hearing and submit verbal comments. He noted there would be an additional opportunity to provide both written and verbal comments prior to the City Council’s public hearing

Ms. Nammi explained that moving the regulations from the SMP to the CAO is in respect to the public process. The intent is to make the CAO more consistent with what was already reviewed as part of the SMP process. The provisions are applicable on a citywide level because of the source of the wetland regulations.

STUDY ITEM: DEVELOPMENT CODE AMENDMENTS #302037

Staff Presentation

Mr. Szafran said the purpose of the study session is to introduce Part II of the proposed 2015 Development Code Amendments and discuss and answer any questions the Commission has. The Part I and Part II Amendments would be combined for a public hearing in September. He reminded the Commission that the purpose of a Development Code Amendment is to bring the development regulations into conformity with the Comprehensive Plan; to respond to changing conditions or the needs of the City; to comply with State Law; and to reduce confusion, clarify language, respond to local policy changes, update references and eliminate redundant language.

Mr. Szafran advised that Part II includes 8 proposed amendments, which were all staff initiated. They are organized by development code chapter in Attachment 1. Chair Scully suggested that staff review all of the amendments, followed by public comments and then Commission questions and comments. Mr. Szafran presented each of the amendments as follows:

- **Amendment 1 – Definitions (SMC 20.20.016).** This amendment clarifies that a shared driveway is a jointly-owned and maintained tract or easement serving two or more properties.
- **Amendment 2 – Nonconformance (SMC 20.30.280(C)(4).** This amendment clarifies that a property owner of a legal, nonconforming structure may make an addition based on the provisions of the section, but only up to the limits the R-6 zone allows. The property owner would still be limited by the residential dimensional standards.
- **Amendment 3 – Other Uses (SMC 20.40.140).** This amendment prohibits hospitals and medical clinics in the lower density residential zones (R-4 through R-12). Currently, they are allowed with a Conditional Use Permit.
- **Amendment 4 – Site Design (SMC 20.50.240(C)(1)(a).** This amendment deletes a redundant statement since all of the requirements in the site design section apply to private property.
- **Amendment 5 – Minimum Off-Street Parking Requirements (SMC 20.50.390).** This amendment deletes a redundant parking requirement. The uses of retail trade and retail and mixed use are the same and so are the parking ratios.
- **Amendment 6 – Parking Design Standards (SMC 20.50.410).** This amendment clarifies that the requirements in Section F only apply if not listed in the parking stall and aisle dimension table.
- **Amendment 7 – Street Trees and Landscaping Within the Right-of-Way (SMC 20.50.480).** This amendment updates the reference to the Engineering Development Guide.
- **Amendment 8 – Permanent Field Marking (SMC 20.80.060).** This amendment updates the department's phone number.

Public Comment

Richard Kink, Richmond Beach Preservation Association, Shoreline, referred to Amendment 2, and noted that the vast majority of the homes along 27th Avenue Northwest are nonconforming, and the property owners need time to understand how the proposed amendment would impact their properties. He referred to the previous discussion about the SMP and CAO and noted that during numerous meetings with staff regarding the SMP, the Association believed there were no wetlands within the SMP's jurisdictions. There were no discussions regarding wetlands during the formulation of the SMP, and it was only after the fact that the State identified wetlands and required additional code language.

The association was told that property owners on 27th Avenue Northwest did not need to worry, and there was no public comment during the development of the wetland regulations contained in the SMP.

Leslie Frosch, Shoreline, asked if any hospitals or medical clinics are currently located in the R-4 through R-12 zones. Director Markle answered that there might be a few dental and veterinary offices within the single-family zones. Mr. Cohen emphasized that the use is currently allowed with a Conditional Use Permit, but the Commission previously discussed prohibiting the use in the single-family residential zones. They agreed that the use would be more appropriate in the much available commercial property. Director Markle recalled that the Commission's previous discussion focused on the adaptive reuse of school facilities, which is currently allowed in residential zones with a Conditional Use Permit. If the Commission decides to allow medical clinics and hospitals with a Conditional Use Permit, they should at least consider removing the provision related to the adaptive reuse of school properties.

Commissioner Moss-Thomas noted that a number of residential homes have been converted into a wide variety of uses. While she can understand the need to prohibit uses that create biomedical hazards in residential neighborhoods, she questioned why the City should prohibit medical clinics from residential zones when it allows such uses as hair salons. Mr. Szafran said some uses may not be appropriate to encourage because they create parking and traffic impacts. Existing uses that were legally established would be allowed to continue as legal, nonconforming uses. Mr. Cohen recalled that the City's home occupation code has provisions pertaining to the number of employees and visitors, the required parking, noise and dust, etc.

Chair Scully suggested that rather than building the department's phone number into the code (Amendment 8), they could simply display the Department of Planning and Community Development's current telephone number. This would eliminate the need to amend the code every time the phone number needs to be updated.

Director Markle clarified that Amendment 2 (nonconformance) would only apply to the MUR-45 and MUR-70 zones. She suggested the language should be clarified to make it clear that it does not apply to residential properties throughout the City.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners provided reports or announcements.

AGENDA FOR NEXT MEETING

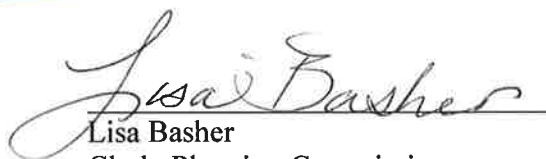
Mr. Szafran announced that the June 18th meeting agenda will be a continuation of the CAO update, with a particular focus on geologic hazard areas. The Commission agreed to cancel the July 2nd meeting to accommodate their holiday schedules.

ADJOURNMENT

The meeting was adjourned at 8:33 p.m.



Keith Scully
Chair, Planning Commission



Lisa Basher
Clerk, Planning Commission