

**DRAFT**

## **CITY OF SHORELINE**

### **SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING**

October 1, 2015  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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#### **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  
Steve Szafran, Senior Planner, Planning & Community Development  
Paul Cohen, Planning Manager, Planning & Community Development  
Juniper Nammi, Associate Planner, Planning & Community Development  
Julie Ainsworth Taylor, Assistant City Attorney  
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-Thomas and Mork.

#### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

#### **APPROVAL OF MINUTES**

The minutes of September 3, 2015 were adopted as submitted.

#### **GENERAL PUBLIC COMMENT**

There were no general public comments.

#### **PUBLIC HEARING: CRITICAL AREAS ORDINANCE (CAO) UPDATE**

Chair Scully reviewed the rules and procedures for the public hearing, which was continued from September 17<sup>th</sup>, and then opened the public hearing. He noted that three Commissioners were absent

from the September 17<sup>th</sup> hearing, but they have all watched the video recording and are ready to participate in the continued hearing. He reminded the Commissioners that they will be asked to deliberate and make a recommendation on three separate ordinances related to the Critical Areas Ordinance (CAO).

Ms. Nammi reviewed that the CAO regulates and protects wetlands, critical aquifer recharge areas (the City currently has none), fish and wildlife habitat conservation areas (including streams), frequently flooded areas, and geologically hazardous areas. The Growth Management Act (GMA) requires that jurisdictions periodically update their CAO's to incorporate new and Best Available Science (BAS), and the current update must be completed within 6 to 12 months of the deadline, which was June 30, 2015.

Ms. Nammi explained that, in addition to the state-required updates, the City's update will include amendments to improve clarity and predictability such as incorporating the updated CAO into the Shoreline Master Program (SMP), providing critical area mapping and report standards, reorganizing subchapters and sections, and correcting errors and outdated terms. Also, based on public comment and Planning Commission Direction, the current draft update allows for alteration in the very high risk landslide hazard areas where it was previously prohibited. However, provisions for incorporating good analysis and BAS into each project that might alter a very high risk landslide hazard area were incorporated into the language so as not to increase the risk during and after the project.

Ms. Nammi reminded the Commission that six public and community group meetings, consultations with other City departments and regional/state agencies, and six Planning Commission meetings have already been conducted. In addition to this final hearing before the Planning Commission, the update is scheduled on the agenda at three City Council Meetings.

Ms. Nammi explained that the proposed amendments have been organized into three ordinances: amendments to the critical areas regulations in SMC 20.80 (Ordinance 723); amendments to other Title 20 chapters that reference or relate to critical areas (Ordinance 724); and limited amendments to the Shoreline Master Program (SMP) in order to incorporate the updated CAO (Ordinance 725). She explained that Ordinances 723 and 724 must both be approved to meet the GMA periodic update requirement. Ordinance 725 is not required and is not necessary in order for Ordinances 723 and 724 to function. Staff is recommending the amendments outlined in Ordinance 725 to make implementation easier, clearer and consistent throughout the City.

### **Staff Presentation on Ordinance 723**

Ms. Nammi presented the following amendments in response to the new information and public comments received at the September 17<sup>th</sup> hearing:

1. **SMC 20.80.220. Revise the landslide hazard area classification standards to simplify the definition of "distinct break."** The original proposal was to limit the width of a distinct break to 15 feet horizontally, which was based on the minimum buffer possible for a landslide hazard area. After reviewing public comments and the updated revised memorandum from the consultant relative to BAS, staff found that the provision was an administrative tool that did not have enough science to support it. They are now recommending revised language for measuring

the toe and top of a slope. As proposed, the toe of a slope would be a distinct topographic break which separates slopes inclined at less than 15% from slopes above that are 15% or steeper when measured over 10 feet of vertical relief. The top of a slope would be a distinct topographic break which separates slopes inclined at less than 15% from slopes below that are 15% or steeper when measured over 10 feet of vertical relief. Averaging the slope over 10 vertical feet should result in similar classifications as were anticipated using the original definition of a distinct break being at least 15 feet wide, and requiring an analysis by a qualified engineer should adequately assess the total slope stability, even when there are mid-slope benches.

2. **SMC 20.80.224. Remove the requirement for special inspections.** Concern was raised that the requirement for a geotechnical special inspector during the construction process goes beyond what other cities, such as Seattle, require. Staff revisited Seattle's ordinance, which was used as a starting point for most of the additional requirements included in this section, and found that special inspections are required via the building code rather than the CAO. Staff also reviewed the City's existing provisions and learned that special inspections would be required for buildings and other structures proposed within the very high risk landslide hazard areas where continuous inspection during a stage of construction or specialized expertise is needed for verification of the construction methods and materials. Where nonstructural projects are proposed, staff believes that the construction management provided by the qualified professional would be sufficient. The provision in **SMC 20.80.224** duplicates these existing requirements, and staff is recommending it be removed.
3. **SMC 20.80.060 and 20.80.274. Delete the reference to "buffers" from sections where the provisions should only apply to the critical area and not the buffer.** Concern was expressed that the restrictions on vegetation management in certain stream and wetland buffers in these sections is overbroad and not supported by BAS. However, findings and conclusions in State publications support the restriction and management of vegetation removal in wetland buffers and streams (see Staff Report) and explain why it is important that management be done by a professional who knows which vegetation is appropriate for the site, what is needed for the species or resource being protected, etc. Staff is not proposing any changes to address this concern. However, the City Attorney did identify a few places when the wording included "buffers" where the regulations should only apply to critical areas, and staff is recommending that the reference to buffers should be removed in some locations.
4. **SMC 20.80.274. Resolve inconsistent language for alteration of fish and wildlife habitat conservation areas.** It has come to staff's attention that both the existing and proposed general standards for development in fish and wildlife habitat conservation areas prohibit development except through a critical area reasonable use permit, critical area special use permit or shoreline variance. In comparison, the habitat-specific standards in **SMC 20.80.276** require consistency with the state or federal management plan, but do not require critical area reasonable use or critical area special use permits except for the most sensitive stream categories. Staff has proposed language that revises **SMC 20.80.274** so that a critical area reasonable use or critical area special use permit is not required in most fish and wildlife habitat conservation areas when development may be able to coexist with the wildlife if mitigation measures are implemented.

5. **SMC 20.80.276. Add a provision for “priority species” that is similar to the language for “non-fish seasonable streams.”** As proposed, activities and uses that result in unavoidable impacts may be permitted in priority species habitat areas and associated buffers in accordance with an approved critical area report and habitat management plan, but only if the proposed activity is the only reasonable alternative that will accomplish the applicant’s objective. It would also require full compensation for the loss of acreage and functions of habitat and buffer areas.

Ms. Nammi summarized that corrections of terms and wording for legal consistency, as well as typographical and grammatical corrections and formatting changes will be done before the ordinance comes before the City Council for review. She asked the Commission to forward Ordinance 723 to the City Council with a recommendation of approval as written, including the four amendments outlined above.

### **Public Testimony on Ordinance 723**

**Jane Kiker, Eglick Kiker Whited, Seattle**, said she was present to speak on behalf of the Innis Arden Club. She said she originally had several comments, but most were clarified by Ms. Nammi’s presentation. She emphasized that the Innis Arden Club would like to have further clarification in the regulations that limited tree removal and replacement pursuant to a mitigation or buffer enhancement plan is an allowed use in stream and wetland buffers. While the Staff Report explains that these activities are permitted where they cannot be avoided, it would be clearer if the buffer regulations included a cross reference to **SMC 20.80.050**.

Ms. Kiker referred to the proposed amendment that would delete the reference to “buffers” from sections where the provisions should only apply to the critical area and not the buffer. Because staff has agreed it is important to regulate activities in the critical areas separate than the activities in the buffers (which the regulations attempt to do), she suggested that the reference to “associated buffers” in **SMC 20.80.276(D)(1)** should also be eliminated.

Ms. Kiker said the Innis Arden Club is pleased that staff is recommending alternative language relative to determining the top and toe of a slope. However, they are still concerned that if the site-specific evaluation by a geotech is not the relied upon BAS, the City could end up including a lot of small, rather benign steep slopes in the very high risk landslide hazard areas.

Ms. Nammi explained that Type S Streams are sensitive, particularly those that are anadromous. The recommendation to require a critical area reasonable use or special use permit or shoreline variance for alteration of both the critical area and its buffer is intended to provide a higher level of protection.

### **Planning Commission Deliberation and Recommendation on Ordinance 723**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD ORDINANCE 723 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF, INCLUDING THE AMENDMENTS OUTLINED IN THE STAFF REPORT. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Moss-Thomas voiced appreciation for the hard work done by Ms. Nammi. The proposed CAO update flows very logically and consistently. Except for a few grammatical edits, none of the content raised a concern to her.

**THE MOTION CARRIED UNANIMOUSLY.**

**Staff Presentation on Ordinance 724**

Ms. Nammi advised that Ordinance 724 addresses miscellaneous amendments that are needed in other chapters of the Development Code (Title 20). She reminded the Commission that the amendments were presented to the Commission at their last meeting, and no additional changes were identified. The proposed amendments include updating the definitions, revising code references that refer to critical area regulations, adding decision criteria for reasonable use and special use permits, and revising code enforcement provisions to be compatible with the new provisions. She recommended the Commission forward a recommendation for adoption of Ordinance 724 as currently drafted.

**Public Testimony on Ordinance 724**

No one in the audience indicated a desire to provide testimony.

**Planning Commission Deliberation and Recommendation on Ordinance 724**

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD ORDINANCE 724 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Staff Presentation on Ordinance 725**

Ms. Nammi said Ordinance 725 outlines limited amendments to the Shoreline Master Program (SMP). Approval of the ordinance is optional, but is recommended by staff in order to have consistent critical area regulations throughout the City. As proposed, changes to the geologic hazard areas would be applied within the shoreline jurisdictions, but provisions relative to exemptions or allowed activities would be excluded because the SMP already has its own way of identifying exemptions or allowed activities and what it regulates is a bit different.

Ms. Nammi reviewed that the primary concern raised by public comment is over whether you can repair, maintain, modify, or rebuild existing residences within the shoreline jurisdiction, and the answer is yes. In her professional opinion, the proposed amendments in Ordinance 725 would not affect this ability. In fact, it would make it easier in geologic hazard areas. The ability to rebuild an existing home is addressed by the City's non-conformance regulations and is an allowed activity under the SMP. Depending on the size of the new structure, it would require either a shoreline exemption request or a substantial development permit. The changes to the wetland regulations are minor because the wetland regulations in the new CAO are comparable to what is in the current SMP. Staff has no recommendations for specific changes at this time, but some technical changes, as identified by the

Department of Ecology (DOE), will be finalized before the ordinance is presented to the City Council. She recommended the Commission forward a recommendation of approval for Ordinance 725 as currently drafted.

Chair Scully recalled that the Commission previously recommended approval of more flexibility for development on steep slopes as part of Ordinance 723. He asked if this flexibility was carried through to Ordinance 725, and Ms. Nammi answered affirmatively. Chair Scully summarized that, if the Commission does not recommend adoption of Ordinance 725, there would be less flexibility for home owners on steep slopes. Ms. Nammi clarified that Ordinance 723 changes the definition of a very high risk landslide hazard area from 10 vertical feet to 20 vertical feet. It also outlines a process for alterations in very high risk landslide hazard areas and the DOE has indicated it could be included and feasible within the shoreline jurisdiction without requiring a shoreline variance.

Commissioner Moss-Thomas asked if the language in **SMC 20.50.310**, which talks about trees greater than 30 inches in diameter at breast height, is consistent with other language throughout the code. She recalled that the City moved away from this measurement approach. Ms. Nammi noted that this proposed amendment is covered in Ordinance 724, which was the subject of the Commission's previous motion. However, she agreed to check the language for consistency.

Assistant City Attorney Ainsworth Taylor referred to Ms. Nammi's earlier statement that in addition to the proposed changes to the SMP that are outlined in Ordinance 725, staff may also incorporate more substantial changes from the DOE after the Commission makes its recommendation but before it goes to the City Council. She questioned if the Commission can actually make a recommendation to the City Council without having the entire ordinance before them.

Director Markle explained that if the City Attorney's Office determines that the changes identified by the DOE are substantive, the ordinance might have to come back to the Commission for additional review and a recommendation to the City Council. Ms. Nammi explained that, typically, amendments to the CAO are approved by the City Council prior to being sent to the DOE for review and comment. The DOE conducts its own comment period, after which it may choose to approve the document as adopted or request revisions. Any revisions are reviewed by the staff, Planning Commission and City Council and an additional public hearing may be required if the changes are substantial. Once the revisions have been adequately addressed, the DOE will issue its approval and the ordinance will go into effect. In the hope of not having to go through this lengthy process, staff requested early feedback from the DOE, but it didn't come early enough to include it in the current draft. Depending on how much change is needed, the ordinance may come back to the Commission for additional review.

Assistant City Attorney Ainsworth Taylor again voiced concern that the Commission is being asked to forward an ordinance to the City Council that it has not yet seen in its full, substantive form. Chair Scully asked the Commission to provide feedback on whether to follow the old model with a slight jump on the DOE's comments with the risk that it will have to be revisited in the future or recommend that the whole process be put on hold until the DOE's comments are fully incorporated.

The Commissioners continued to ask clarifying questions about the process, particularly as it relates to the DOE. Vice Chair Craft pointed out that Attachment 1 of the October 1<sup>st</sup> Staff Report outlines the

preliminary comments received from the DOE. He asked if it is staff's intent to incorporate them into Ordinance 725 before it is forwarded to the City Council. Ms. Nammi answered that it is staff's intent to incorporate all of the changes, with the exception of the DOE's recommendation to use "water types" rather than "stream types." She explained that it is not staff's intent to make changes to the marine regulations, which are already incorporated into the SMP and not currently open for review.

Vice Chair Craft suggested that staff could highlight the changes recommended by the DOE in the draft ordinance that is sent to the City Council. Assistant City Attorney Ainsworth Taylor agreed that if the textual format (Ordinance 725) is fused with a table outlining the DOE's recommendations, it could provide a complete picture of the proposed changes and the Commission may feel comfortable forwarding a recommendation to the City Council. Another option would be postpone their recommendation until the document is available in its entirety. Vice Chair Craft said he is comfortable moving Ordinance 725 forward to the City Council now, with the understanding that the DOE's recommended changes would be clearly identified in the draft that is presented to the City Council for review.

Again, Assistant City Attorney Ainsworth Taylor cautioned the Commissioners to make sure they clearly understand what they are recommending to the City Council and that all the pieces to the puzzle have been provided. If this can be done by putting the two documents together, as suggested by Vice Chair Craft, then the Commission could forward its recommendation to the City Council now. If not, the recommendation could be postponed until a complete package is available for review.

Chair Scully asked if there would be an opportunity for public comment after the DOE's recommendations have been incorporated and before the City Council approves the ordinance. Assistant City Attorney Ainsworth Taylor advised that the City Council will hold three meetings on the ordinances, and public comments will be solicited at each one. Chair Scully summarized that the public would have an opportunity to view and comment on the final product before it is adopted. He asked how long it would take staff to incorporate the DOE's recommendations into the ordinance, and Ms. Nammi said she intends to complete the work by Thursday, October 8<sup>th</sup>.

Commissioner Moss-Thomas asked if the DOE's recommended changes apply only to Ordinance 725 or if they would also require amendments to Ordinances 723 and 724. She observed that Ordinance 725 is only six pages. The Commission could delay its recommendation and hold another brief public hearing before making a recommendation to the City Council. Ms. Nammi again referred to Attachment 1 of the September 17<sup>th</sup> Staff Report, which lists the DOE's recommended changes. She summarized that some of the wording changes might affect Ordinance 723, but they could also be accomplished through exclusions in Ordinance 725. She voiced her opinion that all but one of the recommendations would be considered a non-substantive change. However, staff does not plan to recommend implementation of the DOE's request to replace the word "streams" with "waters." Instead, staff would like to find a solution that only affects the SMP and does not change the general CAO standards. Staff does not believe it is necessary to have marine waters regulated in the general CAO when they are already regulated by the SMP.

Vice Chair Craft asked when the draft ordinances would be presented to the City Council for the first time, and Ms. Nammi answered that they are scheduled for presentation to the City Council on October 26<sup>th</sup>.

### **Public Testimony on Ordinance 725**

**Richard Kink, Shoreline**, said he was present to speak on behalf of the Richmond Beach Preservation Association (homeowners along 27<sup>th</sup> Avenue Northwest). He expressed his belief that the Commission's discussion about the timing of their recommendation to the City Council relative to Ordinance 725 is a discussion of ignorance regarding the SMP and how it affects the homeowners along 27<sup>th</sup> Avenue Northwest. In the City, the shoreline jurisdictions include the railroad, Salt Water Park, and his neighborhood. Although proposed Ordinance 725 is only six pages long, it would alter certain key fundamental definitions provided in the SMP handbook that impact his neighborhood and even the shoreline outside of the CAO.

Mr. Kink said the association is also concerned that their members have not had any input relative to Ordinance 725. He recently spoke with Paul Anderson, who is referenced in the Staff Report, and found that his conversation and Mr. Anderson's conversation are night and day different. The SMP handbook provides another option, which is to develop new critical areas regulations specifically for the SMP. In terms of content and organization, he suggested this approach could also provide the greatest flexibility when integrating critical area provisions into the rest of the SMP document. He summarized that the City does not have to "squish" the SMP and CAO together. He recalled that the association spent countless hours working with the City and the DOE to draft the current SMP, which meets the letter and intent of the law, while still providing recognition for the neighborhood's unique characteristics. He suggested that requiring property owners to obtain a conditional use or shoreline variance to rebuild a house would be considered punitive permitting in the association's opinion. He cautioned the Commission against sending Ordinance 725 to the City Council before having a final draft available for their review.

### **Planning Commission Deliberation and Recommendation on Ordinance 725**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION POSTPONE ITS RECOMMENDATION RELATIVE TO ORDINANCE 725 UNTIL IT HAS HAD AN OPPORTUNITY TO REVIEW THE CHANGES PUT FORWARD BY THE DEPARTMENT OF ECOLOGY. SHE FURTHER MOVED THAT THE COMMISSION CONDUCT AN ADDITIONAL PUBLIC HEARING ON ORDINANCE 725 ONCE A COMPLETE DRAFT IS AVAILABLE. COMMISSIONER MONTERO SECONDED THE MOTION.**

Commissioner Moss-Thomas clarified that the public hearing would only apply to Ordinance 725. Despite the fact that it is only six pages long, it may contain a lot of weighty issues.

Assistant City Attorney Ainsworth Taylor said another option would be for the Commission to invite staff to review each of the DOE's recommended changes, carefully identifying the recommended changes that would be incorporated into draft Ordinance 725. The Commission could then amend



Ordinance 725 to include the changes recommended by staff and forward it to the City Council along with Ordinances 723 and 724.

Chair Scully said he is in favor of the motion. The alternative approach would require the Commission to take action on a draft that the public has not had an opportunity to review. He agreed with Mr. Kink's concern that the Richmond Beach Preservation Association needs time to review the proposed changes with their geotechnical engineer and legal counsel.

The Commission discussed whether it would be better to continue the current hearing to a date certain, in which case no additional public notice would be required. They agreed that the best approach is to schedule a new public hearing for just Ordinance 725, which would require a new notice. The Commission discussed the notice requirements and the timeline for scheduling a new public hearing, which could be as far out as mid 2016. They also discussed the impacts of postponing their recommendation for several months. Director Markle agreed that there would not be a significant impact associated with the delay; but the intent was to complete the CAO and SMP updates in 2015 to free up staff time to work on the 2016 work plan, which includes subarea planning and permitting for Sound Transit projects. Ms. Nammi reminded the Commission that Ordinance 725 is not required, but was intended to make the SMP and CAO clearer and easier to implement. Approval of Ordinance 725 would also make the updates available to the residents affected by the shoreline jurisdiction, which includes more properties than just those on 27<sup>th</sup> Avenue Northwest. Some properties east of the railroad tracks are also located within the shoreline jurisdictions.

Ms. Nammi emphasized that the language that was crafted with the help of the Richmond Beach Preservation Association would not be amended. The only section of the SMP that would be modified by Ordinance 725 is the critical area regulations. The ability to build or rebuild a single-family home within the shoreline jurisdiction is a state-mandated exemption in the SMP that would not be affected by Ordinance 725.

Commissioner Mork clarified that the question on the table is whether to defer action on the ordinance for a longer time period and then hold a new public hearing on a complete draft or continue the hearing to the next meeting when the updated ordinance would be available for review.

**THE MOTION CARRIED 5-2, WITH VICE CHAIR CRAFT AND COMMISSIONER MORK VOTING IN OPPOSITION.**

Ms. Nammi announced that City Council study sessions for Ordinances 723 and 724 are scheduled for October 26<sup>th</sup> and November 2<sup>nd</sup>. She reminded the Commission that staff is recommending a delayed effective date for the CAO Update (Ordinance 723) and the Title 20 changes (Ordinance 724). She explained that, typically, ordinances adopted by the City Council go into effect a week later. In order to ensure that staff are trained, that changes to forms and review procedures are up to date, and that the public and staff are ready to administer the updated regulations, staff is asking for two months to prepare for implementation.

Chair Scully requested feedback from Assistant City Attorney Ainsworth Taylor as to whether the Commission is required to make a recommendation relative to delaying the implementation of

Ordinances 723 and 724. Assistant City Attorney Ainsworth Taylor answered that the Commission should take specific action relative to the implementation timeline.

Vice Chair Craft said it would be helpful for staff to specifically identify the inconsistency between public comments and what the actual SMP implies. Chair Scully suggested that this additional information be provided when Ordinance 725 comes back to the Commission as a new public hearing.

Chair Scully invited members of the public to comment on the proposed implementation timeline and none came forward.

**VICE CHAIR CRAFT MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE DELAYED EFFECTIVE DATE (FEBRUARY 1, 2016) FOR THE CAO UPDATE (ORDINANCE 723) AND THE TITLE 20 CHANGES (ORDINANCES 724) AS PRESENTED BY STAFF. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

Chair Scully closed the public hearing on the Critical Area Ordinance Update.

### **PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS 2015**

Chair Scully briefly reviewed the rules and procedures for the public hearing and then opened the public hearing. He explained that the amendments have been placed in batches based on their location in the Development Code. The Commission will be asked to deliberate, take public testimony, and make a recommendation on each batch of amendments.

Mr. Szafran explained that the purpose of the hearing is to introduce the 2015 Development Code amendments, discuss and answer the Commission's questions, solicit public testimony, and develop a recommendation to the City Council. He advised that there are 42 proposed amendments, one of which was privately initiated.

### **Staff Presentation on Batch 1 (Rescheduled Amendments)**

Mr. Szafran recommended that the following three amendments (Batch 1), all of which apply to Sound Transit, be rescheduled to a later date.

- **Amendment 7 (SMC 20.30.330).** Permit process for light rail transit system/facility.
- **Amendment 11 (SMC 20.40.050).** Zoning standards for light rail when located in the right-of-way.
- **Amendment 21 (SMC 20.40.438).** Conditions for a light rail transit system/facility.

### **Public Testimony on Batch 1 (Rescheduled Amendments)**

No one in the audience indicated a desire to comment.

## Planning Commission Deliberation and Recommendation on Batch 1 (Rescheduled Amendments)

COMMISSIONER MONTERO MOVED THAT THE COMMISSION DELAY AMENDMENTS 7, 11 AND 21. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

## Staff Presentation on Batch 2 (SMC 20.30)

Mr. Szafran reviewed the Batch 2 amendments as follows:

- **Amendment 1.** This amendment in **SMC 20.20.016** clarifies the definitions of shared driveways.
- **Amendment 2.** This amendment in **SMC 20.20.034** adds a new definition for “multi-modal access improvements.”
- **Amendment 3.** This amendment in **SMC 20.30.040** changes the temporary use permit reference in the Type A Permit Table.
- **Amendment 4.** This amendment in **SMC 20.30.100** allows the Director to waive permit fees for the construction of affordable housing.

Commissioner Montero referred to the proposed language for **Amendment 4**, which allows the Director the discretion to waive permit fees for the construction of affordable housing. He noted that several comments were received relative to the income requirements. He asked if these requirements were provided as examples and the Director would have the discretion to adjust the income requirements. Mr. Szafran said the percentages listed in the draft code language represent the minimum income requirements that would be allowed.

- **Amendment 5.** This amendment in **SMC 20.30.110** clarifies the Determination of Completeness Section.
- **Amendment 6.** This amendment in **SMC 20.30.280(C)(4)** clarifies the modifications to the Nonconforming Section.
- **Amendment 8.** This amendment in **SMC 20.30.340** establishes a new procedure for processing Comprehensive Plan amendments.
- **Amendment 9.** This amendment in **SMC 20.30.355** adds additional decision criteria for development agreements relative to Level of Service (LOS) for pedestrians and bicycles. As proposed, it requires that there is sufficient capacity in the transportation system to safely support development as confirmed by a transportation impact analysis.

- **Amendment 10.** This amendment in **SMC 20.30.380** raises the number of lots in a short plan subdivision from four to nine.

Commissioner Moss-Thomas asked if **Amendment 10** would apply to the City as a whole, and Mr. Szafran answered affirmatively. At the request of Commissioner Moss-Thomas, Mr. Szafran explained that a short-plat is the number of lots that can be subdivided as part of an administratively-approved permit. Commissioner Moss-Thomas observed that a short plat would still have to meet all other development standards such as lot coverage, minimum lot size, etc. Mr. Szafran added that pre-application and neighborhood meetings, as well as public notice, would also be required. The proposed amendment would not alter the process; but it would change the threshold from four to nine, which is allowed by state law and consistent with surrounding jurisdictions.

### **Public Testimony on Batch 2**

No one in the audience indicated a desire to comment.

### **Planning Commission Deliberation and Recommendation on Batch 2**

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENTS 1, 2, 3, 4, 5, 6, 8, 9, AND 10 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

### **Staff Presentation on Batch 3 (SMC 20.40)**

Mr. Szafran reviewed the Batch 3 amendments as follows:

- **Amendment 12.** This amendment in **SMC 20.40.100** clarifies the time limit of a temporary use permit (up to one year).
- **Amendment 13.** This amendment in **SMC 20.40.120** changes the use from “Tent City” to “Transitional Encampment.”
- **Amendment 14.** This amendment in **SMC 20.40.140** prohibits hospitals and medical clinics in the R-4 and R-6 zones.
- **Amendment 15.** This amendment in **SMC 20.40.150** deletes shipping containers as a use.
- **Amendment 16.** This amendment in **SMC 20.40.160** deletes “Outdoor Performance Centers” from the Station Area Use Table. It also adds a condition that research, development and testing would be permitted in the MUR 70 Zone, provided it is classified as a Biosafety Level 1 or 2, which prohibits something like the public health lab.

- **Amendments 17 and 18.** These amendments in **SMC 20.40.230** and **SMC 20.40.235** would allow the Director to waive building permit fees for affordable housing projects. The Planning Commission received a letter from the Housing Development Consortium that supports the City’s effort to encourage affordable housing. The letter points out that **Table 20.40.235(B)(1)** should be updated to reflect the new language suggested in **SMC 20.240.235(F)**. A copy of the new language was provided in the Commission’s desk packet. As proposed, the incentive language in the MUR 70, MUR 45 and MUR 35 Zones would be updated to read, “May be eligible for a 12-year property tax exemption and permit fee waiver upon authorization.” The authorization would most likely come from the Director.
- **Amendment 19.** This amendment in **SMC 20.40.400** clarifies that all parking associated with a home-based business must be located on site and on an approved parking surface.
- **Amendment 20.** This amendment in **SMC 20.40.410** and **SMC 20.40.450** deletes the requirement that hospitals and medical offices only be allowed as a reuse of a surplus nonresidential facility in the R-18 through TC4 zones.
- **Amendment 22.** This amendment in **SMC 20.40.535** adds conditions to the “Transitional Encampment” use.

**Public Testimony on Batch 3**

No one in the audience indicated a desire to comment.

**Planning Commission Deliberation and Recommendation on Batch 3**

**COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD AMENDMENTS 12, 13, 14, 15, 16, 17, 18, 19, 20, AND 22 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Moss-Thomas referred to **Amendment 19**, and said she has always struggled with the parking requirements for home-based businesses, recognizing that parking is always a hot topic in Shoreline. She reported that at a recent presentation by the City’s Economic Development Director to the North City/Ridgecrest Neighborhoods it was noted that the majority (about 80%) of the businesses in Shoreline are home-based. She voiced concern that **Amendment 19** could make it more difficult for small, home-based businesses. Commissioner Malek agreed with her concern, and noted that the amendment could end up disenfranchising existing businesses, such as dental clinics, that have already been successfully integrated into residential environments. On the other hand, neighborhoods could be impacted if a home-based business creates a lot of noise and/or commercial traffic.

Commissioner Mork voiced concern that if there is no on-site parking requirement, parking for home-based businesses could spill out into the street. Chair Scully noted that the current code does not prohibit on-street parking for vehicles associated with home-based businesses. Mr. Szafran added that

the current code requires two on-site parking spaces for home-based businesses in single-family zones. However, it does not address the use of on-street parking if more than two parking spaces are needed.

Commissioner Moss-Thomas cautioned against a code requirement that would penalize a small, home-based business, yet allow property owners to park commercial vehicles associated with off-site businesses on the street. This situation is quite common in many neighborhoods throughout the City. Chair Scully said he walks frequently in the City, and it is easy to identify the home-based limousine businesses because there are large numbers of commercial vehicles parked on the street. This is troubling to nearby property owners because it is unattractive and leaves little room for other vehicles to park. Vice Chair Craft agreed with Chair Scully. There are too many situations where the code has been abused and property owners living in the neighborhoods have been negatively impacted. **Amendment 19** is intended to curtail the overabundance of commercial-use vehicles in single-family residential neighborhoods.

Commissioner Moss-Thomas inquired if it would be better to identify the maximum number of vehicles that could be parked on the street, and require that the remaining parking be provided on site. Mr. Cohen clarified that the **Amendment 19** refers to parking for a specific type of home occupation (vehicles that pick up materials used by the home occupation), and the intent is to protect neighborhoods from over parking. The restriction would not apply to other types of home-based businesses. Commissioner Maul summarized that **Amendment 19** would only apply to vehicles that are used by the business. Employee parking is addressed by a separate provision.

**Tom Poitras, Shoreline**, shared a personal experience he had with a limousine business located across the street from his home. His neighbor purchased and rebuilt an access-type bus over a period of about six months. The work occurred in the street, and cones were used to block traffic while he was working under the vehicle. This situation, along with the numerous cars parked on the street, created a disaster for the neighborhood. Theoretically, the code prohibits a vehicle, such as the access bus, from parking on the street because it exceeds the maximum width allowed. However, the code provision is frequently violated and there is little enforcement.

#### **THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Montero asked when the proposed code amendments would take effect. Mr. Szafran answered that the amendments would take effect five days after adoption by the City Council, which is tentatively scheduled for December 7<sup>th</sup>.

#### **Staff Presentation on Batch 4 (SMC 20.50)**

Mr. Szafran reviewed the Batch 4 amendments as follows:

- **Amendments 23 and 24.** **Amendment 23** in **SMC 20.50.020** was privately initiated and is directly related to **Amendment 24** in **SMC 20.50.020(C)**. As proposed, **Amendment 23** would allow a property owner to reduce the minimum lot-size requirement if the City requires dedication for road or drainage purposes. **Amendment 24** would not allow a property owner to reduce the lot size requirement. However, it would insert a warning to potential developers that,

if dedication is required, then the area dedicated is not included in the density calculation of the site. If the Commission supports **Amendment 23**, then **Amendment 24** should be recommended for withdrawal or denial. The opposite would be true if the Commission supports **Amendment 24**. Staff recommends the Commission support **Amendment 23** to allow a reduction in the lot size if the City takes property for road or drainage purposes.

Commissioner Maul asked if **Amendment 23** would allow a developer to reduce the lot sizes on a 20-acre plat in order to provide an access road to the new lots. Mr. Szafran answered that **Amendment 23** would apply to public roads but not private roads. Commissioner Maul said he supports the proposed amendment for smaller plats only, but he is concerned it would represent a significant change for large plats. Mr. Cohen pointed out that the City receives very few applications for formal subdivisions (one every few years). Mr. Szafran added the formal plats have typically been for townhome units.

Commissioner Moss-Thomas asked how **Amendment 23** would apply to the properties along 145<sup>th</sup> between Aurora Avenue North and Greenwood Avenue, which have miniscule front yards. Mr. Szafran explained that the amendment would only allow a reduction in the lot size proportional to the amount that is dedicated. All of the other development standards (lot coverage, setbacks, etc.) would still apply.

Commissioner Montero referred to the letter from Carefree Homes (Attachment 4) and asked if **Amendment 23** would be retroactive if adopted. Mr. Szafran answered affirmatively and noted that Carefree Homes has not submitted an application yet.

- **Amendment 25.** This amendment in **SMC 20.50.020(3)** clarifies that environmental features do not count against hardscape requirements.
- **Amendment 26.** This amendment in **SMC 20.50.240** requires the inclusion of accessible water and power in public places at high-capacity transit centers and associated parking facilities.
- **Amendments 27 through 32.** The amendments in **SMC 20.50.320, 20.50.330, 20.50.350, 20.50.360 and 20.50.370** all have to do with how trees are evaluated, managed, protected and replaced. For example, the amendments will dictate what standards will be applied when Sound Transit cuts trees. **Amendment 30** also adds a provision for fee in lieu if tree replacement is not feasible or if a property owner believes payment for the loss of trees is better than natural tree replacement.
- **Amendment 33.** This amendment in **Table 20.50.390(D)** deletes the duplicative parking requirement that is outlined in the retail and mixed-use parking standards.
- **Amendment 34.** This amendment in **SMC 20.50.400** revises the criteria for granting a reduction to the minimum parking requirements. The current criteria do not have a direct relationship to parking demand, and the proposed criteria are much more stringent and will have a direct relationship to parking demand.

- **Amendment 35.** This amendment in **SMC 20.50.410** reorganizes the section relative to the requirements for compact parking stalls and parking angles.
- **Amendment 36.** This amendment deletes **SMC 20.50.430** entirely, as the requirements in the section are duplicative of the requirements in the most recently adopted site-design standards in **SMC 20.50.240**.
- **Amendment 37.** This amendment in **SMC 20.50.480** updates a reference in the section.

#### **Public Testimony on Batch 4**

**Yoshiko Saheki, Shoreline**, referred to proposed **Amendment 34**, which revises the criteria for a reduction to the minimum parking standards. She specifically referred to Subsection E, which states that, “A parking reduction of 25 percent will 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 and D of this section.” Ms. Saheki voiced her concern that people do more than commute to work, and light rail will not drop people off at a grocery store. People will still need cars in the City regardless of how close they live to a light rail station. Those living in multi-family complexes near a station should not have to compete with commuters for street parking. She asked that the Commission eliminate any reduction to the minimum parking requirements based on the proximity to a light rail station.

**Tom Poitras, Shoreline**, commended the staff for the wise decision not to grant a 25% reduction to parking requirements for a development less than a quarter-mile from a station unless the development does not open for business until the station is open. It is also good to know that developers will not automatically receive a 25% reduction in the parking requirement if they meet just some of the criteria in **SMC 20.50.400 (Amendment 34)**. Depending on what they do, they may get a lot less. He suggested that if this good news was made more public, it would calm some nerves.

Mr. Poitras asked the Commission to recommend that guidelines be developed for Parking Management Plans that are mentioned in **SMP 20.50.400(3)** and Residential Parking Zones (RPZ) that are mentioned in **SMP 20.50.400(4)**. He expressed his belief that this work should be done before the plans are approved by the City. Otherwise, overlapping plans proposed by different developers are likely to conflict. If left to their own devices, it is likely that some developers will come up with plans that are mainly to their own advantage. The guidelines would also save staff time in the approval process. Since RPZ parking permits are meaningless without enforcement, once a defined number of RPZ permits have been issued for the entire City, Shoreline should be required to hire parking enforcement officers.

Mr. Poitras also recommended that when the predefined number of RPZ permits has been issued, the City should be required to adopt a citywide comprehensive parking management plan that includes city-defined RPZ policies for all the various neighborhoods in Shoreline. He pointed out that the trouble with developer-designed parking management plans is that the citizens they affect may never learn what is in them. This could frustrate many people. He suggested that the sooner they get rid of developer plans, the better. The same is true for developer-designed traffic calming devices mentioned in **SMC**



**20.50.400(7).** He also observed that since homeowners, multifamily residential, commercial users and commuters will all want parking permits, the pricing structure will require very careful analysis.

Mr. Poitras asked if there is good science to justify the 50% reduction in parking requirements that is mentioned in **SMC 20.50.400(8)(B)**. In his experience, people in all income brackets, including the zero bracket, own cars, and sometimes more than one.

#### **Planning Commission Deliberation and Recommendation on Batch 4**

**VICE CHAIR CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENTS 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, AND 37 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MONTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 23 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. HE FURTHER MOVED THAT AMENDMENT 24 BE ELIMINATED. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**CHAIR SCULLY MOVED THAT THE COMMISSION FORWARD AMENDMENT 31 TO THE CITY COUNCIL WITH A RECOMMENDATION OF DENIAL. COMMISSIONER MONTERO SECONDED THE MOTION.**

Chair Scully explained that **Amendment 31 (SMC 20.50.360)** allows the use of existing trees on a lot in lieu of replacement trees. He reminded the Commission that the intent is to preserve existing tree canopy, and allowing the removal of some trees on a heavily-treed lot seems to vitiate the purpose of the tree code. It would also unfairly penalize property owners who don't have a lot of trees on their sites by requiring them to pay for replacement trees when someone with a heavily wooded lot would be able to cut trees down without any additional expense.

Commissioner Maul observed that if a few trees are removed from a heavily-wooded lot, the smaller trees would flourish and a significant tree canopy would remain. Planting another tree between a bunch of existing trees would not likely result in more canopy.

Vice Chair Craft also argued the economic fairness component of the proposed amendment. He supports codes that can be universally applied and universally fair to as many citizens as possible.

Commissioner Mork clarified that, as per the proposed amendment, the owner of a heavily-wooded property would have the choice of putting money into the overall Shoreline canopy rather than replacing trees on the subject property. Chair Scully pointed out that this question is actually addressed in **SMC 20.50.360(C)(5) (Amendment 30)**. Commissioner Mork suggested that **Amendment 30** would address the issue of fairness and protect the canopy in Shoreline. Chair Scully agreed and pointed out that **Amendment 30** would apply to every lot in the City.

Commissioner Moss-Thomas pointed out that **Amendment 31** is in reference to a site, which could be either commercial or residential. Mr. Szafran pointed out that there is currently no tree retention requirement for commercially-zoned properties.

Mr. Cohen explained that fairness is the main thrust of **Amendment 31**. The idea is that property owners should not have to do costly replacement if there are already a lot of small, healthy, non-significant trees growing on the property. In these situations, the property owners already provide their fair share of the canopy in the area. On the other hand, someone with very few trees could clear most of them. Although replacement trees would be required, the property would still provide a smaller share of the canopy. The goal is to balance the two extremes. In addition to cost, it is sometimes difficult to find appropriate places to plant replacement trees on heavily wooded lots. The current requirement ends up forcing trees onto properties that already provide more than a fair share of the canopy.

**THE MOTION TO RECOMMEND DENIAL OF AMENDMENT 31 WAS APPROVED BY A VOTE OF 4-2, WITH ONE OBSTENTION.**

Commissioner Mork noted that the Commission received numerous comments relative to **Amendment 34 (SMC 20.50.400)**. She suggested the issue is complicated, and the Commission does not have sufficient information to recommend approval at this time. While she has some suggested modifications, she is still concerned that the proposed language would not be inclusive enough to address all of the public concerns.

**COMMISSIONER MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF DENIAL. COMMISSIONER MOSS SECONDED THE MOTION.**

Commissioner Mork voiced concern that the code does not provide a clear definition of or criteria for Parking Management Plans. There is also no process in place for reviewing the plans. She is concerned that the parking around the light rail stations could impact residential neighborhoods.

Mr. Szafran pointed out that if the motion is to deny the amendment, the strike-through language would remain in the code, including the provision that allows a parking reduction of up to 25%. The proposed amendment is intended to place additional criteria on the ability to reduce the parking requirement.

**THE MOTION TO RECOMMEND DENIAL OF AMENDMENT 34 FAILED UNANIMOUSLY.**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF AND WITH AMENDED CRITERIA THAT MORE CLEARLY STATES THE COMMISSION'S INTENT. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Montero referred to **SMC 20.50.400(A)(2)** and requested clarification as to why staff is recommending a minimum 20-year shared parking agreement. He voiced concern that 20-years may be too long, since transportation systems will likely change significantly during that time period. Mr.

Cohen said 20-years represents the minimum length of time the City wants the agreement to last base on the amount of change that is anticipated. Having a longer parking agreement would provide reliability to the surrounding neighborhoods that nothing major would change. Commissioner Montero pointed out that the agreement would need to be modified over time as development continues and the area changes. Locking a developer into a 20-year agreement seems excessive. Mr. Cohen said it would be possible for a property owner to enter into a new 20-year agreement with a different property owner, in which the first agreement would no longer be valid.

Commissioner Maul asked if any developer in the City has ever used the shared parking agreement option. Mr. Cohen answered it has been used in a few cases, but it is not common. He noted that a shared parking agreement is just one of eight options a developer can use to obtain a parking reduction of up to 25%.

Commissioner Maul said he went through the process of trying to obtain a shared parking agreement, and it didn't work very well. He talked with five different property owners within a short distance, and they were not interested in tying up their property for 20 years. He does not believe the option will be utilized often.

Commissioner Moss-Thomas voiced concern that the 20-year requirement could result in unintended consequences that would stall development that is advantageous to the neighborhood. She pointed out that a 20-year agreement would tie up property, making it difficult to sell, particularly if someone wants to aggregate parcels to do a larger development.

Commissioner Montero observed that the shared parking agreement would simply qualify the developer for the parking reduction. The length of the shared parking agreement is immaterial since the developer would have to provide the required amount of parking into perpetuity, regardless of where it is located. Chair Scully disagreed. After the 20-year agreement expires, there would be no requirement for the property owner to come up with new parking spaces. The end result would be a development with fewer parking stalls than what was originally permitted. Vice Chair Craft asked if the building would be required to maintain the parking requirement even after the 20-year shared parking agreement expires. Mr. Cohen answered no and said the assumption is that the parking demands and needs of the City may change, and requiring that much parking may be obsolete and/or unnecessary at that point.

Ms. Cohen explained that some of the options are difficult to achieve, and others are relatively easy to achieve. The idea is to offer a parameter of options for developers to use to convince the City that a parking reduction would work. It is not likely that the 20-year shared parking agreement would be used often, but it is one of a variety of tools. The intent is to provide enough parking and ensure that all other forms of transportation are built, installed and functional before the reduction is granted. This includes neighborhood protection, as well.

Commissioner Moss-Thomas voiced concern that limiting shared parking agreements to adjoining parcels would further limit a developer's ability to meet the criteria. She felt the provision should also include adjacent properties across the street. Director Markle agreed and also pointed out that some developments only need a small number of shared parking spaces.

Commissioner Maul clarified that a shared parking agreement should not be considered a reduction in parking, so the second sentence in the provision should be either modified or deleted. A developer would simply be providing the required parking on a nearby parcel. He felt the City should allow the concept, but the language needs to be modified.

Commissioner Moss-Thomas noted that the provision would apply citywide and not just to properties close to the light rail stations.

**COMMISSIONER MONTERO MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER THE LANGUAGE IN SMC 20.50.400(A)(2) TO READ, “SHARED PARKING AGREEMENT WITH 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.”**

Mr. Cohen explained that each property would be required to meet the minimum parking requirement no matter what the schedules are, and juggling schedules can be problematic. Commissioner Moss-Thomas summarized that means that the property would need to have excess parking that another property owner could use.

Commissioner Mork questioned the implications of eliminating the 20-year time frame for shared parking agreements. Chair Scully said his interpretation is that eliminating the 20-year requirement would mean the agreement must be maintained in perpetuity or the property owner would have to meet other criteria in order to maintain the parking reduction.

**COMMISSIONER MORK SECONDED THE MOTION TO MODIFY THE MAIN MOTION, AND THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Mork voiced concern that **SMC 20.50.400(3)** does not include a definition for parking management plans or describe the process for approval. Commissioner Maul noted that all request for a parking reduction must be reviewed and approved by the Director. He also noted that parking and car use is changing rapidly. Rather than providing a list of what the parking management plan should include, he suggested that the more vague language allows flexibility for a potential developer to propose a creative solution. It was pointed out that a parking management plan is just one of the options a developer could employ to obtain the parking reduction, and it is likely that a combination of options would be used.

Rather than the specific details of the plan, Commissioner Mork said she is more focused on the process. For example, who would approve the plan and who could see the plan? She referred to Mr. Poitras' earlier question about how the public would have a chance to see the plan. Commissioner Moss-Thomas pointed out that, as per **SMC 20.50.400(A)**, parking management plans would be approved by the Director. Once approved, the plan would be part of the permit process that is public record. However, she agreed that more clarity needs to be provided to ensure that reasonable standards are achieved without limiting creativity. Mr. Cohen said staff is currently collecting good examples of

parking management plans. He suggested that a department handout could be prepared to describe the process and the minimum requirements for a parking management plan. This would be similar to the approach used for the traffic impact analysis. He emphasized that once a parking management plan is approved, it is attached to the permit and available as part of the public record.

Commissioner Maul observed that obtaining a parking reduction would require implementation of a combination of the options listed in **SMC 20.50.400(A)**, and approval would be at the discretion of the Director. He summarized that all of the Commission's concerns have already been addressed. Vice Chair Craft concurred that the provision offers a collective list to be decided on by the Director. He feels comfortable that staff would collect an appropriate level of information to advise the Director and allow him/her to make an educated and well-reasoned decision.

Commissioner Mork questioned if it would be appropriate to amend the language to direct staff to prepare the department handout to describe the parking management plan process and minimum requirements. The Commission agreed it would be appropriate to include the creation of a handout, but they did not believe it was necessary to outline what the handout should include.

**COMMISSIONER MORK MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER SMC 20.50.400(A)(3) TO READ, "PARKING MANAGEMENT PLAN ACCORDING TO CRITERIA ESTABLISHED AND PUBLISHED BY THE DIRECTOR." COMMISSIONER MOSS-THOMAS SECONDED THE MOTION TO AMEND.**

Commissioner Maul said his interpretation of the motion to amend is that the Director must publish the document before a parking management plan could be considered. This will require the Director to make a list of ideas that would qualify. Mr. Szafran agreed that, as written, the parking management plan criteria would not be available until the document is published. Commissioner Moss-Thomas suggested that the words "and published" should be eliminated so the director would still have the ability to apply individual criteria until the public document is available.

**COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE AMENDMENT TO THE MAIN MOTION TO ELIMINATE THE WORDS "AND PUBLISHED." COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**THE MOTION TO AMEND THE MAIN MOTION WAS APPROVED AS AMENDED BY A VOTE OF 6-1, WITH COMMISSIONER MAUL VOTING IN OPPOSITION.**

Commissioner Montero asked why staff is proposing to eliminate high occupancy vehicle and hybrid or electric vehicle parking from **SMC 20.50.400(3)**. Mr. Cohen said the intent was to focus on criteria that is more directly associated with finding other options for parking such as the parking management plan, shared parking agreements, or other modes of transportation such as sidewalks to bus stops. The intent is that the facilities must actually be built. He noted that doing street improvements that protect the neighborhood from spill-over parking is another criterion that could be added.

Commissioner Moss-Thomas asked if there is a reason why **SMC 20.50.400(4)** would only apply to surrounding single-family residential neighborhoods. She asked if it could also be applied to

multifamily residential development. Commissioner Maul agreed that the provision should not be limited to single-family residential neighborhoods.

Chair Scully pointed out that, as currently written, parking associated with a new development would be eligible for on-street parking with a permit. Therefore, an RPZ would do nothing to reduce the number of cars on a street or minimize the impacts of new development. Commissioner Maul suggested that perhaps the RPZ permits could be issued to landowners within one-quarter mile radius of the subject development, which would protect their ability to park in their neighborhoods.

**COMMISSIONER MOSS MOVED THAT THE MAIN MOTION BE AMENDED TO ALTER SMC 20.50.400(A)(4) TO READ, “A CITY APPROVED RESIDENTIAL PARKING ZONE (RPZ) FOR THE SURROUNDING NEIGHBORHOOD WITHIN ONE-QUARTER MILE OF THE SUBJECT DEVELOPMENT. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Mork questioned how the City would enforce the RPZ provision. Chair Scully agreed with Mr. Poitras’ earlier comment that the City does not currently have an enforcement officer or a program for enforcing the RPZ provision. However, he does not believe that the Development Code is the correct place to address the issue, and the Commission cannot compel the City Council to create a program and provide funding for it. Mr. Szafran said there are already established RPZs throughout the City, and enforcement is done on a complaint basis. It was suggested that the Commission could recommend the City Council establish an RPZ program and provide funding for it. Commissioner Moss-Thomas suggested that perhaps the fees paid by developers on an annual basis could be used to implement the program.

Mr. Cohen commented that there will always be controversy about parking. The type of development that will require the most amount of parking in the City is primarily multifamily residential located in commercial areas that are close to existing single-family residential development. Currently, there are no large districts that are dense, multifamily and commercial development. While this may occur near the stations at some point in the future, the RPZ provision represents a big step forward to address the current situation in the meantime.

Commissioner Mork asked how the City would determine the fee a developer must pay for an RPZ permit. Mr. Szafran said a fee schedule is already in place.

**THE MOTION TO AMEND THE MAIN MOTION WAS UNANIMOUSLY APPROVED.**

Commissioner Maul referred to **SMC 20.50.400(D)**, which allows a parking reduction of up to 50% for the portion of the development that provides low-income housing units that are 60% of Average Median Income (AMI) or less. He said he has worked with two or three affordable housing developers, all of whom indicated people living in the affordable units do not have as many cars. He said he supports the proposed amendment. Chair Scully said the proposed amendment is also consistent with feedback from the Housing Development Consortium and others that people living in the affordable units do not have as many cars. Mr. Szafran said the City’s research indicates the same.

Commissioner Moss-Thomas voiced concern that, as written, **SMC 20.50.400(E)** would require the Director to approve a parking reduction of 25% for multifamily development within one-quarter mile of the light rail station.

**COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO ALTER SMC 20.50.400(E) BY REPLACING “WILL” WITH “MAY.” VICE CHAIR CRAFT SECONDED THE MOTION.**

Chair Scully suggested that **SMC 20.50.400(E)** should be eliminated entirely. The code already allows an opportunity to reduce the parking requirement by 25% within one-quarter mile of a high capacity transit facility if all of the other factors are balanced. He supports the opportunity to reduce parking if it makes sense, but he agreed with public concern that just because a development is next to a light rail station does not automatically mean the occupants will not have cars.

**CHAIR SCULLY MOVED THAT THE MOTION TO AMEND BE AMENDED TO ELIMINATE SMC 20.50.400(E) FROM THE PROPOSED ORDINANCE. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.**

Commissioner Montero voiced concern that eliminating the provision altogether would be a disservice to future developers and would not provide incentive to develop within the station area. He felt the station would increase opportunities for affordable housing, resulting in fewer people with cars. Requiring a higher level of parking near the station would make development more difficult. Mr. Szafran said the purpose of the provision was to provide incentive for new housing to be located closer to the station.

The Commission discussed that, as amended by Commissioner Moss-Thomas, **SMC 20.50.400(E)** would be redundant with **SMC 20.50.400(A)**. The only difference is that **SMC 20.50.400(A)** requires a developer to address other factors and **SMC 20.50.400(E)** would require the director to approve the parking reduction without considering these other factors. Commissioner Moss-Thomas said it is important to make it clear that **SMC 20.50.400(E)** only applies to multifamily development and cannot be combined with Subsections A and D.

**CHAIR SCULLY’S MOTION TO ELIMINATE SMC 20.50.400(E) FAILED BY A VOTE OF 1-6.**

**COMMISSIONER MOSS-THOMAS’ MOTION TO CHANGE “WILL” TO “MAY” IN SMC 20.50.400(E) WAS APPROVED BY A VOTE OF 5-2.**

**THE MAIN MOTION TO FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF AND SUBSEQUENTLY AMENDED BY THE COMMISSION WAS UNANIMOUSLY APPROVED.**

**Staff Presentation on Batch 5 (SMC 20.60, 20.70, 20.80 and 20.100)**

Mr. Szafran reviewed the Batch 4 amendments as follows:

- **Amendment 38.** This amendment in **SMC 20.60.140(A)(1)** is a minor word change to clarify the section.
- **Amendment 39.** This amendment in **SMC 20.60.140(3)** adds a LOS standard for pedestrians and bicycles. The City expects to see more large projects such as Point Wells, the Community Renewal Area, and the station areas, and the amendment would require the developer to evaluate pedestrian and bicycle facilities and calculate LOS when the projects come in.
- **Amendment 40.** This amendment to **SMC 20.70.320** clarifies that frontage improvements are not required for single-family development.
- **Amendment 41.** This amendment to **SMC 20.80.060** updates the department’s name and phone number.

Commissioner Moss-Thomas requested clarification of the term “insert type of critical area.” Mr. Szafran explained that development of property that has a critical area on it requires the developer to fill out a form that identifies the type of critical area, and the form would then be recorded on title.

- **Amendment 42.** This amendment to **SMC 20.100.020** adds a new section for all development regulations related to the Community Renewal Area and establishes transition area requirements for the Community Renewal Area. As proposed, all new structures would be required to step back 10 feet after the first 35 feet of building height.

**Public Testimony on Batch 5**

No one in the audience indicated a desire to comment.

**Planning Commission Deliberation and Recommendation on Batch 5**

**VICE CHAIR CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENTS 38, 39, 40, 41 AND 42 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOTERO SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

Chair Scully closed the public hearing on the 2015 Development Code Amendments.

**DIRECTOR’S REPORT**

Director Markle did not have any additional items to report.

**UNFINISHED BUSINESS**

There was no unfinished business.



## **NEW BUSINESS**

There was no new business.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Moss-Thomas announced that the American Planning Association (APA) of Washington is sponsoring an event in early November to celebrate the 25<sup>th</sup> anniversary of the Growth Management Act. She questioned if the City would provide financial support for Commissioners who are interested in attending the event. Specific details will be provided in the next edition of the *PLANNING COMMISSIONERS QUARTERLY*.

## **AGENDA FOR NEXT MEETING**

Mr. Szafran announced that a public hearing on the 2015 Comprehensive Plan Amendments is scheduled for October 15<sup>th</sup>.

## **ADJOURNMENT**

The meeting was adjourned at 9:50 p.m.

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Keith Scully  
Chair, Planning Commission

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Lisa Basher  
Clerk, Planning Commission