

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

January 7, 2016
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Pro Tem Craft
Commissioner Maul
Commissioner Montero
Commissioner Mork
Commissioner Moss-Thomas

Staff Present

Rachael Markle, Director, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Julie Ainsworth Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

Commissioners Absent

Commissioner Malek

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Pro Tem Craft and Commissioners Maul, Montero, Moss-Thomas and Mork. Commissioner Malek was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of December 17, 2015 were adopted as presented.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to provide general comments.

STUDY ITEM: Sound Transit Permitting – Special Use Permits (SUP) and Legislative Processes

Staff Presentation

Director Markle advised that this is a continuation of the study session that was started on December 17th, when there were some questions about the City's options for reviewing Sound Transit projects, what a SUP could and could not do, and what the proposed development regulations actually covered. The purpose of tonight's discussion is to address these questions, as well as any others the Commissioners may have prior to the public hearing.

Director Markle explained that the purpose of the amendments is to identify the development standards that will apply to the design of the light rail facilities and systems in Shoreline. The amendments, as well as the Staff Report, outline the different sections of the Shoreline Municipal Code (SMC) Title 20 that would apply to the design of the stations, garages, and any other associated structures. The purpose is also to create a permitting process to review and approve the design of light rail facilities and systems in Shoreline. Although these facilities are not currently allowed uses in the City, they are considered essential public facilities and the City needs to come up with a process to allow them.

As was discussed at the last meeting, Director Markle reviewed that stations, garages and a large part of the system will be located in Washington State Department of Transportation (WSDOT) right-of-way, which is currently unzoned. Sound Transit will also acquire property that is currently in the Residential 6 (R-6) and Mixed Use Residential 70 (MUR-70') zones to accommodate the facility. Because the City's code is based largely on the premise that the zoning of a property controls what development regulations apply, it is necessary for the City to come up with a way to clearly articulate to Sound Transit what the zoning will be and what development regulations will apply.

Director Markle said that, although the current code allows light rail stations to be approved via a development agreement, it has been determined this is not the appropriate mechanism. Most of the City's other processes are inappropriate, as well, as they do not allow an applicant to vary from the code standards, which is necessary because the station facilities will not be able to meet all of the standards of the R-6 and MUR-70' zones. For example, it is likely that the station will be taller than the 35 feet allowed in the R-6 zone. Staff is proposing an amendment that would allow light rail facilities, garages and stations in all zones subject to a SUP. As per the Comprehensive Plan, the SUP process is to be used to locate Essential Public Facilities in zones where they are not typically allowed and are not totally compatible with the existing land uses.

Director Markle pointed out that the Development Agreement process is currently listed as a legislative process. However, State Law requires a quasi-judicial process for proposed development that is located on a property that is owned by a single applicant. A quasi-judicial process allows for a public hearing, but does not allow the decision makers to have communications regarding the proposal outside of the hearing. She summarized that the proposed amendment would be consistent with both the Comprehensive Plan and State Law.

Director Markle recalled that, at their last meeting, staff reviewed several options for who the hearing body should be and who should make the final decision. However, staff is recommending the City's current SUP process, which has the Hearing Examiner conducting the hearing and making the final decision. She briefly reviewed the other options, as outlined in the Staff Report, and explained that a code amendment would be required to change the way a SUP is processed. For example, the Commission could recommend that the SUP process be changed holistically or the changes could be specific to Essential Public Facilities or specific to light rail facilities and systems. She specifically asked the Commissioners to provide direction on the details of the process so that appropriate information could be provided in the Staff Report that is prepared for the public hearing.

Director Markle recalled that, at their last discussion, there appeared to be some confusion as to what a SUP would decide, and questions were raised about how it would be used in order to weigh in on the design of the station. She provided an illustration from the North City Water District's SUP, which used the same criteria that would be used for light rail facilities. She pointed out that very little detail is needed to process a SUP, and the intent is to complete the permit very early in the process so that the special conditions and requirements identified in the permit can be incorporated into the design. She reviewed that the primary information needed for a SUP application includes: what is or are the intended uses of the site/sites; where generally will these uses be located on the site in relation to existing uses in the area; what development regulations cannot be complied with in order to accommodate the Essential Public Facility; and what does the agency propose to do to enable the facility to meet the SUP criteria. She emphasized that design review requires more details and an entirely different process. The purpose of the SUP is to either demonstrate that the use meets the criteria for a Special Use as is, or to identify the parts of the code cannot be complied with, as well as what can be done to offset any impacts or the inability to meet certain standards of the code.

Director Markle briefly reviewed how the North City Water District's application complied with SUP Criteria as follows:

- **Criteria 1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.** The Water District complied with this criterion by saying the immediate neighborhood would benefit from an open greenbelt, increased setbacks, sidewalks and landscape buffers. Prior to the Water District, the property was developed as a church site, and some of the sidewalk was nonexistent. The completed project will result in sidewalks, additional landscaping and art.
- **Criteria 3. The Special Use will not materially endanger the health, safety and welfare of the community.** The Water District pointed out that their new facility would have more of a presence than what existed with the previous church. They are installing security cameras and the generator will be housed in sound-proof enclosure.

Again, Director Markle said that, as currently proposed, the Sound Transit projects would use the same criteria to condition the station, garages, and rail line in order to fit into the single-family neighborhood. It may be that the mitigation identified in Sound Transit's Environmental Impact Statement (EIS) can be reiterated as part of their criteria. The City can also impose additional conditions on a project to address other impacts that are identified through additional analysis and public testimony.

Director Markle said it has not been decided exactly when in the process of design that Sound Transit would apply for a SUP, but staff is suggesting it would be sometime after 30% design. At that point, Sound Transit should have enough detail but not be too far in the design process that any conditions that might come out of the City's review would cause redesign.

Director Markle explained that in addition to determining a process to allow for the use, it is also important to clearly identify the regulations that govern the design of these sites & structures. Staff considered drafting new regulations that are specific to the light rail facilities & structures, but ultimately determined that the existing regulations for design are appropriately detailed. However, if the Commission would like to introduce a new design requirement specific to light rail stations, garages or the system, now is the time to do it.

Director Markle walked the Commission through the codes that are intended to apply to all light rail stations and facilities (Page 25 of Staff Report) as follows:

- SMC 20.50.020(C) – Dimensions of the MUR-70' zone. The front setbacks would be 15 feet on 185th, 10 feet on non-arterials, and zero feet on arterials. The side and rear setbacks would be 5 feet, and the base height would be 70 feet. The maximum hardscape allowed would be 90%. With the exception of height, the dimension requirements are consistent with all other commercial zones.
- Commercial Design Standards. Staff reviewed codes from other cities that pertain to light rail to determine if changes are needed to the existing commercial design standards to guide the design of the stations and garages. Just a few minor changes were identified and some minor amendments were made during the 185th Street Station process. She advised that the Commercial Design Standards allow for administrative design review, and talk a lot about site frontage, which includes how the structures abut property lines or the sidewalk. For example, it requires buildings over 45 feet in height to be stepped back 20 feet, as well as a 12-foot minimum ceiling height for the first 20 feet of ground level interior space. The standards also require that 50% of the ground façade be windowed, primary entries be on the street, weather protection, and limited surface parking on frontages. The chapter also outlines specific requirements for outdoor lighting, corner lots, internal walkways, public places, utility and mechanical equipment, building design and materials.
- Tree Conservation. Most of the trees will be located in the Interstate 5 right-of-way and will be impacted by the light rail project. However, the City's tree regulations are geared more towards smaller sites throughout the City and particularly apply to single-family properties. Applying the current requirement that 20% (or 30% within a critical area) of the trees must be retained will be difficult and agreements via a SUP will be a necessity. Tree replacement will also be a subject of the SUP, as the current code requires a 1:1 replacement when removing conifers that are 12 inches or less and other trees that are 8 inches or less. For larger trees, an additional replacement tree is required for each additional 3 inches of tree. Sound Transit will be removing a lot of trees, and the current code requirements may not work. However, they can be used as a starting place, and Sound Transit can respond to the requirement as part of the SUP.

- **Other Applicable Regulations.** The City's current code requirements for parking, access and circulation will not have a lot of applicability for the Sound Transit projects. They allow the Director to decide the requirements for regional land uses, and there is not a lot of guidance. She anticipates that parking, circulation and access will be a significant topic of conversation as the projects move forward. The City's current landscaping requirements provide general guidance that will be applicable as a starting place, and Sound Transit can explain why they can or cannot meet the requirements as part of the SUP process. Signage for the Sound Transit uses will be unique, and staff is proposing to start with the MUR-70' sign code standards.

Again, Director Markle invited the Commissioners to identify development regulations, particularly in the commercial design standards or tree code, that need to be changed to specifically address the coming of stations, garages and light rail facilities. This will allow staff to prepare a Staff Report for the public hearing, which is scheduled for January 21st. The City Council is scheduled to adopt the amendments on February 29th.

Director Markle advised that additional amendments related to light rail will come forward in February, but staff is still working with Sound Transit to learn more about the timing of their permits and processes. The amendments were previously presented to the Commission and mainly have to do with trees and three plans (construction management plan, parking management plan, multi-modal access plan) the City would like the applicant to submit.

Director Markle specifically asked the Commissioners to provide feedback on the proposed public process and the use of the commercial design standards as the starting point for regulating light rail facilities and systems. She also invited them to raise any additional comments and questions they might have.

Public Comment

No one in the audience indicated a desire to comment.

Commission Discussion

Commissioner Moss-Thomas said she supports staff's proposal, and expressed her belief that having the SUP go before the Hearing Examiner is the most logical approach. She referred to the Commercial Design Standards and asked if a 15-foot setback would still be required along 185th Street even if the facility is designed to face a side street and not 185th Street. Mr. Szafran answered affirmatively and explained that the intent is to reserve enough space for 185th Street to be widened at some point in the future to meet increased traffic demand. Commissioner Moss-Thomas commented that the 15-foot setback would be a requirement of any building that is adjacent to 185th Street regardless of which direction the building faces.

Commissioner Moss-Thomas said she understands that building articulation will be an issue with the parking garage. She asked if it would be possible for the City to apply other standards or conditions, such as how the outside building materials are designed, when building articulation is not practical.

These standards could apply to all buildings that have parking structures on the lower floors and not just to the light rail garage. Chair Pro Tem Craft suggested that Commissioner Moss Thomas' concern about building articulation could be addressed via SMC 20.50.250(B), which states that parking structure facades fronting public streets shall apply to this subsection only as material, color, texture or opening modulations and not as offset modulations. While the City cannot require building articulation, this provision would allow the City to require conditions that would make the building aesthetically pleasing to the public. Director Markle added that other design features included in the Commercial Design Standards also speak to the attractiveness of the building beyond just articulation, modulation and rooflines. When applying all of the regulations, the result will be an attractive building without modulation. She also reminded the Commission that there will be a public design review process to identify guiding principles of design. If the City is still not satisfied after all of the standards have been applied, they could comment on their concerns. However, Sound Transit would not be required to address the concerns. There may be some avenue to provide input on design via the SUP process, as well.

Chair Pro Tem Craft referred to the code requirements described earlier by Director Markle and noted that Sound Transit may ask to have some level of mitigation. There will be some opportunity, under the SUP, for the City to trade with Sound Transit on elements that might create a more aesthetically pleasing design of the parking garage. Director Markle agreed that if Sound Transit cannot meet standards, such as articulation or tree retention/replacement, they could offer to add public art or incorporate other design elements to mitigate. Commissioner Moss-Thomas observed that requiring a SUP gives the City more flexibility versus the standard prescriptive. If Sound Transit cannot meet a standard for a particular reason, the City can still require that they figure out how to mitigate it appropriately.

Commissioner Mork asked why access is not covered in the Commercial Design Standards. Director Markle said it is covered, but it does not specifically address transit-centric uses. It does cover more than the driveway to and from the site; it also addresses public transit access and outlines level of service standards for bicycle and pedestrian facilities. Director Markle said staff could bring back more information on the requirements for access for transit, which may be addressed in the Transportation Master Plan. Chair Pro Tem Craft asked that the information be provided to the Commissioners prior to the public hearing. Commissioner Mork agreed that would be helpful and said it would be to the City's advantage to have enough "meat" in the code to require, at a minimum, that the applicant trade something else for it.

Commissioner Montero referred to Subchapter 4 in SMC 20.60.140, which covers both pedestrian and bicycle access within the station subarea. Mr. Szafran advised that the current code will require Sound Transit to do frontage improvements that include sidewalks, amenity zones, curbs and gutters; but it does not go further than their own property. Commissioner Mork stressed that access will be key to the success of the project, and the City should maintain the most ability to condition appropriate multimodal access of all kinds.

Commissioner Mork referred to SMC 20.50.225 and asked staff to explain what is meant by "administrative design review." Director Markle said administrative design review allows for flexibility on the design standards, but not the dimensional standards. If a developer cannot or does not want to meet one of the design standards, they can present their request in the form of an application. This is

common with modulation standards, as applicants often request to use textures and materials in order to give the illusion of modification. Via an administrative review, staff can deem the proposal as equivalent and acceptable. Commissioner Mork asked how an administrative review would apply to a SUP. Director Markle answered that it would still be an administrative process that occurs just prior to a building permit and is another feature that could be used to talk about design. The difference is that with a SUP, it is impossible for an applicant to meet the criteria. With administrative design review, the applicant can meet the criteria, but wants the City to consider an alternative. Commissioner Mork asked if the administrative design review would allow the City more ability to review a proposal. Director Markle said it is designed to benefit the designer by allowing for more creativity.

Commissioner Mork asked how the traffic and construction management plans would enter into the SUP process. Director Markle answered that there is mixed opinion on whether or not it is too soon in the process to require these two plans. A SUP needs to happen before the project gets too deep in the design. It may be appropriate to delay these plans until later in the process, but they need to have this conversation with Sound Transit to better understand when they will have these answers. While they may not be needed at the 30% design level, they will be needed before construction can start.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

Assistant Attorney Ainsworth Taylor recalled that the Commission discussed the City's marijuana/cannabis regulations on December 17th. She reminded them that the State has two marijuana structures: medical marijuana (or cannabis) and recreational marijuana. The specific issue before the Commission at their last meeting was the siting requirements for recreational marijuana (Rec 21 approved) facilities. However, the discussion also included a provision relative to medical marijuana cooperatives that will replace collective gardens, and the Commission forwarded a recommendation to the City Council that the separation requirement between recreational and medical marijuana uses should be less than 1,000 feet.

Assistant Attorney Ainsworth Taylor referred to an email she sent to the Commissioners subsequent to their recommendation, which explained that the 1,000-foot buffer requirement comes from the State Statute, itself, and the City does not have the authority to reduce and/or adjust the buffer. She explained that when the Liquor/Cannabis Control Board reviews applications for siting and licensing medical marijuana operations, they must make sure there is a 1,000-foot buffer between the uses. While State Law allows the City to reduce the buffer for recreational marijuana retail uses, it does not have this same authority for medical marijuana uses. She said the issue would be noted in the Commission's letter to the Council, as well as in the Staff Report that accompanies the Commission's recommendation.

UNFINISHED BUSINESS

The Commission discussed that, with the resignation of Commissioner Scully, Commissioner Craft would assume the role of Chair Pro Tem. It was noted that they typically elect new officers at the end of March after new appointments and reappointments have occurred. Chair Pro Tem Craft indicated he

would not be available to chair the January 21st meeting and suggested the Commission appoint someone to serve as chair pro tem for that meeting.

COMMISSIONER MONTERO MOVED THAT THE COMMISSION APPOINT COMMISSIONER MOSS-THOMAS AS CHAIR PRO TEM FOR THE JANUARY 21, 2016 MEETING. COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

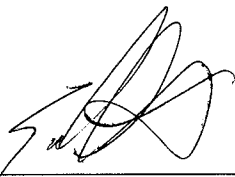
Commissioner Montero reported that he and Commissioner Malek would meet with representatives from the Richmond Beach Neighborhood Association next week for an update on their perspective of what is going on at Point Wells. There is no new information to report regarding the subject at this time.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the January 21st meeting agenda includes a public hearing on the Sound Transit Permitting Amendments, which were discussed earlier in the meeting. In addition, Dan Ernissee will be present to lead a study session relative to the Shoreline Place sign package. He reported that the City Council gave the Planning Commission the authority to look at the design of the signage for this project, which is formerly known as the Community Renewal Area (CRA).

ADJOURNMENT

The meeting was adjourned at 7:59 p.m.



Easton Craft
Chair Pro Tem, Planning Commission



Lisa Basher
Clerk, Planning Commission