

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

February 18, 2016
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Pro Tem Montero
Commissioner Maul
Commissioner Malek
Commissioner Mork

Staff Present

Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Miranda Redinger, Planner, Planning and Community Development
Kendra Dedinsky, Transportation Engineer
Lisa Basher, Planning Commission Clerk

Commissioners Absent

Commissioner Moss-Thomas
Vice Chair Craft

CALL TO ORDER

Chair Pro Tem Montero 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 Montero and Commissioners Maul, Malek and Mork. Vice Chair Craft and Commissioner Moss-Thomas were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of February 4, 2016 were adopted as corrected.

GENERAL PUBLIC COMMENT

There were no public comments.

STUDY ITEM: WETLANDS UPDATE – 145TH STREET STATION AREA PLANNING

Staff Presentation

Ms. Redinger reviewed that on March 23, 2015, the City Council accepted the Planning Commission's recommendation to put the 145th Street Station Subarea Plan on hold until completion of the 145th Street Corridor Study. An update on the corridor study will be provided to the Commission on March 3rd, and on March 17th the Commission will discuss whether anything they learned from the study would cause them to want to amend the zoning scenarios for the Final Environmental Impact Statement (FEIS). A public hearing on the FEIS is scheduled for April 7th, and will be followed by a Planning Commission recommendation to the City Council about a preferred alternative zoning scenario.

Ms. Redinger advised that the purpose of tonight's discussion is to explain the science behind the reports that were commissioned to help the City Council and Commission better understand how land use implications may impact the health of the wetlands. The high level question is, *"Is it better for the health of the wetlands to allow them to remain as is, surrounded with single-family housing and some non-conforming uses, or to allow redevelopment to occur with accompanying opportunities for restoration?"* She announced that the entire report was released as an addendum, along with a cover letter and two technical memorandums. It is currently available at www.shorelinewa.gov/lightrail.com, and members of the public are invited to comment up until March 21st at 5:00 p.m.

Mandi Roberts, Principal, OTAK, explained that the Wetland, Stream and Buffer Assessment focused on public lands in the vicinity of the Paramount Open Space and Twin Ponds Park, and the geotechnical considerations were more general for the overall study area. She provided a map to illustrate the study area boundaries.

Ms. Roberts further explained that the Wetland, Stream and Buffer Assessment is a high-level assessment that included a review of existing data and mapping, as well as field observation to identify current conditions of the streams, wetlands and potential buffer requirements on public property. This review was conducted in late August and September of 2016. She emphasized that the assessment should not be confused with a wetland delineation, which is a much more exacting study. Typically, a high-level analysis is done at the planning level, and wetland delineation reports are done later as properties redevelop or actions occur. For example, scientists have been retained to complete a wetland delineation for Twin Ponds Park as part of the master plan process.

Ms. Roberts reminded the Commission that the 145th Street Station Subarea is part of the Thornton Creek Drainage Basin and has four sub-basins. As part of the assessment, OTAK reviewed and updated a previous basin characterization report based on a field assessment and new regulations that were recently adopted as part of the City's Critical Areas Ordinance (CAO) update. They also considered the Army Corps of Engineer's methodology and the Washington Department of Ecology's (DOE) requirements related to wetlands and wetland buffers.

Ms. Roberts summarized that there are 7 wetlands and 5 streams in the vicinity of the Paramount Open Space, and all of them are part of the Littles Creek system. The Twin Ponds Park area has 2 larger wetlands and 2 streams. She reviewed the maps that were provided as part of the assessment, showing

the location of wetlands, streams, and anticipated buffer zones. She observed that some of the buffer areas extend outside of public properties and onto private properties surrounding the parks. Currently, there are some backyards and structures located within these critical conditions.

Ms. Roberts explained that the wetland buffer widths range from 165 feet for those that have the highest habitat rating to 40 feet for isolated small wetlands. Non-anadromous streams that are the main stems of Littles, Thornton and Meridian Creeks have a buffer of 75 feet from the center line of the creek, or a total buffer of 150 feet. The buffers for the smaller tributaries vary depending on their condition. Based on the City's current regulations, there would be no buffer requirement for some smaller tributaries, and 45 feet for others. She clarified that "non-anadromous" streams include streams that can contain existing or potential fish habitat but do not have potential for anadromous fish typically due to natural barriers to fish passage upstream. Anadromous fish bearing streams generally have much higher values and buffer ratings. She advised that more details related to stream and wetland buffers are provided in Tables 1 and 2 of the report.

Robert Metcalf, Principal, GeoEngineers, provided a surficial geologic map for the area, noting that most of the soils in the study area are Vashon Glacial Till (green) and Esperance Sand (brown). Both are glacially overridden soils, which support development very well. The soil in the dark brown area is Younger Alluvium, which consists of materials that are deposited by streams and may be associated with wetlands. Although not mapped, he would expect Younger Alluvium soil to be associated with the Twin Ponds area, as well as the various creeks in the subarea. Peat, a fibrous, woody, organic material that is compressible would also be associated with these areas.

Mr. Metcalf explained that the glacial till material is very dense and has a high-silt content (40 to 50%). It holds water, and nothing drains or percs. Therefore, the ground water that percs through the shallow surface soils typically becomes perched and flows laterally along the hard layer until it finds topographic depressions or low areas to flow into. You would expect to have thicker accumulations of water in the low areas that are associated with creeks, particularly where there are excavations, crossings or utilities. Typically, de-watering is not an issue in any of the soil conditions present in the study area, with the exception of soils that contain peat. Peat has a tendency to compress as it is de-watered, causing settlement of surrounding infrastructure, utilities, roads, and structures. De-watering in peat areas can be done, but it must be studied closely. Most of the soils in the subarea can be controlled with subsurface drains, and there are a number of ways to handle groundwater on both a temporary or permanent basis.

Mr. Metcalf explained that liquefaction is produced when a seismic shaking event is added to areas where there is a thick accumulation of loose sands as well as a high ground water level. Liquefaction can cause settlement problems to structures, roads, etc., but is commonly mitigated throughout the northwest using various techniques. He referred to the Generalized Liquefaction Susceptible Map for the Shoreline Area, and noted that the condition only exists in the Paramount Open Space area, and there is not much of a liquefaction concern in the remainder of the study area.

Mr. Metcalf said it is important to know where peat is located, as well as its depth and extent. The amount of settlement will depend on the type of peat and how thick it is. Long-term settlement is a condition where there is a foot or two of short-term settlement, and then the settlement stops for a short period of time but continues on at a slower rate over a long-period of time. During a 50-year design life,

it can mean several inches to several feet of settlement, depending on the thickness of the peat. However, there is a wide range of mitigation measures and it is not uncommon to design for long-term settlement of peat.

Ms. Roberts summarized that the majority of the wetlands, streams and buffers are located in public parks and open spaces, and the current uses will continue regardless of the zoning. Surrounding private properties may contain wetlands, streams and buffers, and future delineation will further exact these boundaries. She explained that if the existing single-family zoning is retained as is, the structures and backyard uses that are in the critical areas and buffers would be allowed to continue as legal, non-conforming uses. If rezoning occurs, the uses would continue to be allowed as non-conforming uses until redevelopment happens. Any new development would be required to:

- Meet the very stringent requirements in the CAO, as well as other federal and state regulations related to wetland and stream preservation and water quality.
- Carefully delineate and develop around the critical areas and buffers.
- Provide a geotechnical analysis and study to identify soil conditions and make recommendations about how to mitigate concerns.

Ms. Roberts explained that any potential adverse impacts would be mitigated by the requirements already in place to protect critical areas. Protection and mitigation associated with redevelopment could actually yield positive ecological results as more areas are delineated, protected, recognized and mitigated. She noted that state requirements for water-quality and stormwater management would also apply to new, and there are a number of geotechnical engineering solutions that can be applied to address soil and groundwater conditions. She concluded that no significant, unavoidable adverse impacts would be anticipated to critical areas as a result of the redevelopment alternatives that are being studied.

Ms. Redinger reminded the Commission that on March 17th, they will take information from the reports and apply it to potential zoning scenarios to move along in the FEIS. The comment period on the addendum closes on March 21st. She explained that, although the comment period does not start until tomorrow, comments provided during this meeting would be included as part of the record. A public hearing before the Planning Commission is scheduled for April 7th, at which time the Commission could potentially select a preferred alternative to pass along to the City Council.

Public Comment

Janet Way, Shoreline Preservation Society, requested that the society have legal standing and be part of the public record pertaining to this agenda item. She commented that Paramount Park is an extraordinary place; not a degraded place that has no value. There is nothing else like it in the entire watershed and/or City. She said she has lived next to Paramount Park since 1988, and she has been working on its restoration and protection since 1989. Many projects have been done at the park via various groups, such as the Paramount Park Neighborhood Group and the Shoreline Preservation Society. She provided photographs of Littles Creek, which used to be called a Class II Stream. Although fish have trouble getting there because of the perched culvert that goes over to Jackson Park, there is a history of cutthroat trout and Coho salmon, and the stream should not be classified as non-

anadromous. She provided photographs and described the various restoration projects that have occurred in the wetland and meadow area using grant funding from both the City and the County. She also provided photographs of the wildlife and plant species that exist at Paramount Park and the culvert on Littles Creek that needs to be replaced as part of the rezone to resolve flooding issues and create a bicycle path.

Ms. Way said that although the 2000 Thornton Creek Watershed Characterization Report, which talks specifically about the wetlands at Paramount Park, was referenced in the study, she voiced concern that the study undervalues the wetland. She reminded the Commission that the Army Corps of Engineers designated the wetland's overall size as 6.5 acres, and the report reduces the size by about half. She commented that as per the CAO, the City should go above and beyond to protect, not reduce, wetland. As public stewards, she begged the Commissioners to do everything in their power to enhance the wetland, not degrade it.

Yoshiko Saheki, Shoreline, observed that the Staff Report makes the point that, *"If single-family properties were not rezoned or did not redevelop, these non-conforming uses would remain indefinitely, neither posing significant new adverse impacts to wetlands and streams, nor providing opportunities for restoration."* Although OTAK's report is about redevelopment, no statement was included to indicate that the current zoning would provide no opportunities for restoration. She pointed out that homeowners could create raingardens, remove impervious patios and lawns, and plant native trees and vegetation, which are all good for the environment.

Ms. Saheki noted that in her summary, Ms. Roberts writes that if single-family zoning were to convert to mixed-use residential, *"critical areas could be further protected and enhanced through future redevelopment under rezoning."* In addition, the technical assessment concludes that, *"redevelopment could create substantial opportunities for ecological improvements and enhancements that do not currently exist."* She summarized her belief that a lot of things are possible, both with and without redevelopment. Further, protection and enhancement of critical areas is possible under the status quo, and restoration by current homeowners may even be more easily achieved than through redevelopment, which after rezoning, would require willing sellers, buyers and developers.

Ms. Saheki referred to the statement that, *"non-conforming uses could be removed from critical areas."* In this case, the reference to non-conforming uses applies to single-family homes. She emphasized that removal of these non-conforming structures is a possibility and not a certainty. While everyone wants what is best for the environment, she reminded the Commission that they are talking about peoples' homes. The slightest implication that the City is interested in removing homes will cause the plans to backfire no matter how well intentioned. If either of the zoning alternatives are adopted, most of the single-family development in the subarea will become non-conforming. To read that non-conforming uses could be removed does not encourage people who live in the subarea to embrace the proposed rezone. She suggested there are more respectful ways to say the same thing, and the word "removed" is a little harsh.

Dave Lang, Shoreline, referred to Page 2 of the report, which discusses opportunities for restoration. He pointed out that Littles Creek is contained in the north/south pipe under 145th Street, which exits above the water level on the Jackson Park side. Re-drilling the pipe way for a larger diameter would

provide an opportunity to change its shape and orientation down to the water level on the south side. Balancing restoration with handling stormwater should be the type of win/win the City looks for and writes up in its *CURRENTS* publication. He recalled that, at the last City Council meeting, it was pointed out that the Thornton Creek Basin was an early study that needs to be updated to address concerns that were addressed in later studies. He expressed his belief that finishing the basin study update before alternatives are selected will result in poorly-informed decisions.

Tom Poitras, Shoreline, recalled that a number of trees died last year as a result of the drought. He asked if the City has studied or intends to study the net effect of the new impervious surfaces. He does not see how ground water would be replenished in local areas if the land is covered with concrete.

Chris Southwick, Shoreline, reiterated that wetlands are nature's sponges. They filter water and provide erosion control and habitat for wildlife. It is important to retain as many wetlands as possible, and the effectiveness of a wetland is reduced whenever its size is reduced or infringed upon.

Continued Staff and Commission Discussion

Ms. Redinger agreed with Ms. Saheki that there are numerous opportunities for restoration under the status quo, and she expressed gratitude for the homeowners, volunteers and groups in the City that have participated in these activities. She understands that it can be confusing and frustrating when so much of the language is in the context of redevelopment. However, it is important to understand that the City does not have the ability to regulate uses and spaces unless redevelopment happens. The term "non-conforming" means that existing homes in the wetlands and buffers are non-conforming with regard to the CAO; and if the current regulations had been in place when the houses were developed, they would not likely have been allowed. The non-conforming term should not be interpreted to mean that the homes are under threat and people would be required to move. Non-conforming uses would be grandfathered, which means protected.

Ms. Roberts referred to Ms. Saheki's concern that the wetland area would be reduced and reiterated that the reconnaissance level of analysis contained in the report is based on existing known data and some field work. She emphasized that there is no intent to reduce the existing wetland area, and the report actually recommends that delineation be done as part of any redevelopment scheme in the future to exactify the boundaries.

Ms. Roberts said the report recognizes that there is the potential for fish in Little Creek, but the classification work that was done as part of the report is based on the current conditions and not what could happen in the future. This is consistent with the current method used for rating streams, and new ratings could be done if barriers are removed and a stream is restored in the future.

Regarding Mr. Poitras' question, Ms. Roberts responded that the DEIS looks at the stormwater management system capacity that would be needed to serve future redevelopment based on the assumed levels of impervious surface that would be part of the redevelopment schemes. The DOE's regulations are more stringent, and redevelopment would be required to control flows more accurately to pre-forested and pre-development conditions. Many development plans will include flow-control and/or retention facilities such as vaults, bio swales, and ponds; and the flows will be released in a way that is

closer to the natural condition. The current requirements are much different than in the 1970s and 1980s when impervious surfaces were built as part of redevelopment and flows were cut off from streams and hydrologic systems.

Commissioner Mork requested additional information about how a rezone would impact existing homes that would become non-conforming. Ms. Redinger explained that, based on the current CAO, properties that have wetlands and/or buffers could not likely be redeveloped on their own. However, a developer could acquire a number of parcels and apply buffer averaging to identify a buildable area and then remove structures and restore the function to the wetland/buffer areas. As the Parks Department goes through its master planning process, one idea is to identify parcels that wouldn't be re-developable on their own and recommend that the City acquire the properties in anticipation of needing more open space and park space based on projected growth around the light rail station. Director Markle added that, under the CAO's reasonable use provisions, parcels can be redeveloped and have development capability even if they are fully encumbered by a wetland or buffer. Regardless of whether or not the subarea is rezoned, State law precludes the City from taking away all development potential. Instead, a process would be used to determine what the reasonable use of the site would be.

STUDY SESSION: LIVING BUILDING CHALLENGE ORDINANCE AND PETAL RECOGNITION PROGRAM

Staff Presentation

Sam Wright, Living Building Challenge Program Manager, International Living Future Institute (LVFI), provided a brief description of the institute's framework goals and objectives, summarizing that the goal is to have buildings that, like flowers, are rooted in place, harvest all of their energy and water on site, adapt uniquely to their context, and operate pollution free. They are also beautiful, which is a concept that is often overlooked in sustainability. He explained that the Living Building Challenge Program is appropriate for any building, at any scale, in any location, and at any density. It can be pursued as a renovation program, landscaper infrastructure project, or as a building project. It can also be used as an overlay to maximize the positive environmental benefits, regardless of the density. In order to certify a living building, it is necessary to have 12-month occupancy (performance period) to demonstrate that the rigorous requirements have been met.

Mr. Wright explained that the program's framework addresses 7 different categories (petals) that provide a holistic sense of sustainability, and the 7 seven categories are subdivided into 20 individual imperatives. Each of the imperatives contain specific requirements to address the 7 categories. He said the program offers three different certification paths. Full Certification requires a developer to achieve all of the requirements of the Living Building Challenge. Petal Certification requires a developer pursue at least one of the three core categories or petals (water, energy, materials), as well as two other categories (petals) of his/her choosing. They also offer Net Zero Energy Building Certification, which certifies buildings that achieve a zero energy balance over the course of 12 consecutive months. She reviewed the categories (petals) as follows:

- **Place.** This category focuses on being light on the land and developing on sites that are previously developed so as not to encroach on green field sites. It's about introducing agriculture back into cities to connect humans with their food supply and leaving space for nature to persist.
- **Water.** The intent is that buildings mimic the natural hydrological cycle or pre-development conditions, harvest all of the water that is required on site, and treat and re-infiltrate all water on site.
- **Energy.** The goal is to harvest all energy on site and be a net producer. This aggressive pursuit requires aggressive efficiency measures across the most significant categories of energy consumption (heating, cooling, lighting, fans, pumps, etc.)
- **Health and Happiness.** It is important to consider the health and happiness of a building's occupants. The program provides an overlay that considers the indoor environmental quality, such as daylighting, natural ventilation, air that is free of volatile organic compounds, etc.
- **Materials.** This component is cited as the most difficult part of the challenge. It's about removing the persistent bio-accumulative toxins that are so prevalent in the built environment. It is a key leverage point to incentivize a shift away from introducing invasive toxins into the environment that we all live in every day. According to the Environmental Protection Agency, people spend approximately 90% of their time indoors, so this category is very important.
- **Equity.** Unique to the livability challenge, the equity category means creating places for people or inspiring development that does not encroach on people's rights to solar access, clean air, water ways, etc. This category also calls for taking a small percentage of the overall construction budget and donating it to charity in recognition of the fact that developers benefit greatly from construction projects and the community can have some attendant benefit, as well.
- **Beauty.** This concept encourages people to take care for what they find to be beautiful. If we don't care for buildings and they don't provide the sense of place that is imminently possible, their perspective lifespan can be greatly reduced, and the materials will end up in a landfill.

Mr. Wright shared examples of projects that have achieved Full Living Building and Petal Certification, including the Bertschi Living Building Science Wing in Seattle, Washington; the Hawaii Preparatory Academy Energy Lab in Kamuela, HI; the Omega Center for Sustainable Living in Rhinebeck, NY; the Kellogg House in Westfield, MA; the DPR Construction's Regional Office in Phoenix, AZ; the zHome Multi-Family Development in Issaquah, WA; and the Bullitt Center in Seattle, WA. He summarized that this type of development can create a legacy for communities and become a focus point that provides a sense of place.

Mr. Wright advised that the City of Seattle implemented a Living Building Pilot Program to provide a means for developers to engage with this type of aggressive sustainability and still be profitable. The pilot program provides incentives such as additional height or density bonuses for projects that are pursuing either Full Certification or Petal Certification with aggressive reductions in energy and water use. The goal of the program is to incentivize development that is light on the land and achieves a net positive benefit across the categories discussed earlier. When considering a program of this type, he encouraged the City to take the lessons learned from Seattle's program and create a program that provides very clear incentives, penalties and process. For example, it should provide clear baselines for benchmarking energy and water use; be clear on what the incentives are, as well as how to be eligible for them; be clear on the penalties and how they are assessed; provide some staff capacity to be available

to provide further information; and aggregate and facilitate code and regulatory reviews across a range of separate entities.

Mr. Wright said other cities have chosen to incentivize the Living Building Program, but some have chosen not to require certification through the International Living Future Institute, which becomes a challenge because it introduces uncertainty into the process. If it is not clear whether a building has met the requirements, then it becomes unclear how to access any penalties. To gain traction, it is absolutely necessary to reduce the uncertainty from the outset and be very clear about expectations.

Mr. Wright invited Commissioners who want to learn more about the Living Building Program concept to attend a conference hosted by the institute on May 11th through May 13th at the Westin Hotel in Seattle. They can also visit www.living-future.org to learn more.

Ms. Redinger said the purpose of tonight's discussion is to consider what the Living Building Program means for Shoreline and how it can be integrated. They should also discuss barriers and incentives and what the Commission's role will be in moving the concept forward. She reminded the Commissioners that the City Council adopted the Climate Action Plan in 2013, thereby committing the City to an 80% reduction in greenhouse gas emissions by 2050 and a 50% reduction by 2030. Because most of the State's power comes from hydro, most of the emissions come from the transportation and building sectors. The Commission is well versed in efforts to reduce carbon emissions by creating walkable communities near transit, but if the buildings that are constructed around the new transit center are not efficient with regard to water and energy, then the City will be missing an opportunity.

Ms. Redinger recalled that the New Energy Cities Program with Climate Solutions did a Carbon Wedge Analysis to consider what it would take for the City to meet the reduction targets. Some of the recommendations were specifically related to transportation and building energy efficiency. In addition, the State's Energy Code requires that buildings become more efficient over time, and by 2030 they will likely be 70% more efficient than buildings in 2006. However, it is also important to reduce the natural gas consumption for heating existing buildings and try to come up with a different path for new buildings. She said the City also made a joint climate commitment with the King County City's Climate Collaboration (K4C). The K4C pathway outlines strategies that include: reducing electric and direct natural gas use, drastically increasing renewable energy use, phasing out coal, and limiting gas-based electricity generation to the current level.

Ms. Redinger reviewed that on September 14, 2015, the City Council discussed the strategies identified through the Climate Action Plan, Carbon Wedge Analysis, and K4C Climate Commitments and selected three priority recommendations for 2016 through 2019:

- Adopt a Living Building Challenge Ordinance and consider a Petal Recognition Program.
- Examine the feasibility of District Energy or Combined Heat and Power in areas that are likely to undergo redevelopment.
- Conduct a solarize campaign, including exploring adoption of Solar-Ready regulations, and building on partnerships with local educational, professional, and non-profit organizations dedicated to increasing solar power generation in Shoreline.

Ms. Redinger said the Commission's role in implementing the strategies is to talk about the Development Code aspects of the Living Building Challenge Ordinance. She noted that there are several different codes and regulations that may present barriers to or provide incentives for the development of living buildings, and multiple agencies may be involved in approval of such projects. For example:

- **Development Code.** The City's Building Official has indicated that Shoreline has the ability to modify the Development Code to provide incentives for living buildings by allowing exemptions from certain standards. Some possibilities the City could consider include exemptions from standards for use, density, maximum size of use, parking, setback, lot coverage, solid waste containers, open space, encroachments into rights-of-way, and connection to water and sewer.
- **State Building Code.** The Seattle ordinance is not current in effect, as they are going through a number of tweaks. However, the City's Building Official is participating on the K4C Committee that is working to craft an ordinance that works better for smaller cities. He has indicated his belief that the City Council has the ability to amend the code for local reasons. They also have the ability to approach the State Board for exemptions or for easing requirements.
- **Surface Water Utility.** The City owns the Surface Water Utility and a potential incentive would be to reduce or waive the surface water management fee. The Surface Water Utility Manager has reviewed the codes and indicated there is currently an exemption from the surface water management fee for low-impact development component, but she anticipates amending it through the National Pollutant Discharge and PDES Permit process to provide even more clarity or relief from the fees.
- **Sewer and Water Utilities.** They will need to have a more detailed discussion with the water and sewer providers. However, many of the water and sewer issues with regard to Living Buildings, such as rainwater harvesting, reuse of non-potable water, and composting toilets may be more appropriately handled by the Health Department.
- **Health Departments.** King County Public Health and the Washington State Department of Health will need to be involved in regional discussions related to the Living Building concept. The Chief Plumbing Inspector for Public Health of Seattle and Unincorporated King County has been involved in the K4C working group and is working with his organization to streamline and make more clear the purview of the state versus local.

Ms. Redinger referred to the GreenTools White Paper (Attachment C), which outlines components of Living Building Challenge Ordinances that were adopted by other jurisdictions and includes a list of "lessons learned." The recommendations include:

- Requiring project certification or petal recognition at a minimum through the International Living Futures Institute.
- Clarifying the criteria and process for allowing code departures. Staff will provide more details about the criteria and process at the Commission's next discussion.
- Requiring project team consultation and staff training. It would be helpful if the City's staff was better educated on green building aspects to assist developers.
- Encouraging participation with public health departments and other regulatory agencies.
- Including implementation recommendations.

Based on Seattle's model, lessons learned, and the white paper, staff prepared draft components for a Living Building Challenge Ordinance that includes the application requirements, qualification process, minimum standards, incentives, criteria for departures, scope of departures, compliance with minimum standards, penalties for non-compliance, and transportation and energy management plans. As they review the draft ordinance, she asked them to consider the following questions and provide input:

- **Should Shoreline's ordinance limit the number of potential projects through a pilot program?**
The Seattle ordinance restricts applications for Living Buildings to a pilot program limited to twelve projects.
- **Should Shoreline's program apply to all building types in all zones and geographic locations within the City or confine potential projects to certain types or areas?** The program could be applicable to any building type in any area, but it could also be located to a particular geographic area or zoning or building type.
- **Should Shoreline consider different incentive packages for Full Living Building Challenge Certification and Petal Recognition?** Petal Recognition would not be a Full Living Building, but there would be a concerted effort to reduce energy and water consumption. Is there an appropriate level of incentives that would encourage this?
- **If so, are the incentive packages identified in the draft ordinance appropriate?**

Ms. Redinger advised that the K4C Work Group would continue meeting in March and April, and a third Elected Officials Summit will take place in April to discuss a model code that could be adapted for a number of smaller jurisdictions. Staff anticipates scheduling a discussion on the Living Building Challenge Ordinance and Petal Recognition Program for one or more meetings in April, May or June. Following a recommendation from the Commission, the City Council will discuss, refine and eventually adopt an ordinance.

Chair Pro Tem Montero recalled that City staff took the Commissioners on a tour of the Bullitt Building three years ago. It is absolutely unbelievable what can be done. He encouraged interested new Commissioners to visit the building, as well.

Public Comment

Leslie Froesch, Shoreline, commented that the presentation was refreshing, and she hopes the City will embrace the ideas put forth in the presentation. She recognized there will be more development in the future and expressed her belief that it should be "green" development.

Continued Staff and Commission Discussion

Chair Pro Tem Montero asked if the draft ordinance was modeled after Seattle's ordinance, and Ms. Redinger said it is technically a version of Seattle's code, but chopped into smaller pieces. Chair Pro Tem Montero asked if the scope of the departures and minimum standards are consistent with Seattle's code, and Ms. Redinger answered affirmatively.

Mr. Wright commented that a lot of thought was put into the draft ordinance, and it is fantastic that it aggregates the commentary on the existing pilot programs. There is a real opportunity to learn from past efforts and put together an ordinance for Shoreline that can be very attractive to developers to incentivize this type of aggressive sustainability.

Commissioner Malek noted there have been several similar projects throughout the evolution of the concept and emerging technology. He asked Mr. Wright to share the institutes targets and goals in terms of support. Mr. Wright agreed there are a number of pioneering projects, many of which are decades old. Typically, the projects focused on one aspect of design and did it very well. The Living Building Challenge Program aggregates all of the various elements into a cohesive package that allows designers to adapt the philosophical framework to their region. The institutes' metrics track hard and fast numbers (registered projects, registered square feet, certified projects), and there is also an education component that is less tangible and more difficult to track. The case studies for all of the projects are available on the institute's website.

Chair Pro Tem Montero said his understanding of the process is that a developer would provide a statement that he/she will participate in the Living Building Challenge Program. The project will go through the process for a permit, followed by construction. Once construction has been completed, the developer will submit a written statement to confirm that the job has complied with all of the standards, and the Director will certify that has been done. Ms. Redinger said that is the general idea, but there are more steps to the process. Mr. Wright said it is crucial to have another step prior to the declaration of intent so a developer can come to the Planning Department to ask questions and receive feedback. When a developer submits a permit application to the City of Seattle, he/she can check if they are pursuing the Living Building Challenge, and the developer would be left alone to design and construct the building. A two-part certification would follow construction to verify that certain requirements have been met. One would take place after construction is complete, and another after the 12-month performance period. The draft ordinance indicates the City would take advantage of the institute's two-part review by a third-party auditor. Ms. Redinger added that the draft ordinance also calls for various stages of Director certification and staff check ins, as well check ins with the institute. Ms. Redinger said the point of the ordinance is to provide developers with a clear understanding of the incentives, requirements and approvals before the process is even started.

Commissioner Malek asked if there would be criteria to vet developers to ensure they have the capacity to take on a Living Buildings Challenge building. Is there a threshold limit, or would the option be open to anyone who is interested? Mr. Wright anyone could take on a Living Building Challenge project, and the institute offers support for project teams that are pursuing the challenge. He said the potential penalties assigned to non-compliant projects would self-limit the developers who do not have adequate capacity. Commissioner Mork noted that nothing would prevent the City from adding a limit in the future, if necessary.

The Commission reviewed the questions raised earlier by Ms. Redinger as follows:

- **Should Shoreline's ordinance limit the number of potential projects through a pilot program?**
Mr. Wright explained that Seattle's original pilot program posed for developers introduced uncertainty into the process. The original iteration was attractive to a number of different buildings,

and some developers are still pursuing it, but the Bullitt Building is the only one that has certified to date. He concluded that the program is very attractive to developers, and if the uncertainty is reduced, there would likely be substantial uptake.

- **Should Shoreline’s program apply to all building types in all zones and geographic locations within the City or confine potential projects to certain types or areas?** The Commission concurred that the ordinance should apply to all building types.
- **Should Shoreline consider different incentive packages for Full Living Building Challenge Certification and Petal Recognition?** The Commission agreed that the incentive package for Full Living Building Challenge Certification should be different than the incentive package for Petal Recognition.
- **If so, are the incentive packages identified in the draft ordinance appropriate?** Mr. Wright encouraged the City to be very transparent about what makes a building eligible for departures and/or incentives. For example, would the extra ten feet in height be tied to the performance requirements of the building? Would it be tied to extra ceiling height to increase daylight penetration for better energy performance, or could the applicant build an extra floor and have more rentable space?

The Commission reviewed the list of incentives that might be reasonable to include in the City’s ordinance. Ms. Redinger noted that density incentives would not apply to commercial zones or station areas. Commissioner Mork asked about possible incentives related to the maximum size of use, and Director Markle said an example would be waiving the amount of commercial space that is required on the ground floor.

The Commissioner expressed interest in pursuing the ordinance at a future meeting. Commissioner Malek said he appreciates the program’s attention to aesthetics and the connection that is made to longevity of buildings, pride of ownership, etc.

Mr. Wright invited Commissioners to stop by his office in the Bullitt Center for more information about the program.

STUDY SESSION: COMPREHENSIVE PLAN DOCKET

Mr. Szafran reminded the Commission that the Growth Management Act (GMA) limits review of proposed Comprehensive Plan amendments to no more than once a year to ensure the public can view the proposals in a citywide context. GMA directs cities to create a docket that lists the potential amendments to be considered each year.

Staff Presentation on City-Initiated Amendments

Mr. Szafran reviewed the four City-initiated amendments proposed for the 2016 dockets as follows:

- **Amendment 1** would amend Policy LU-47 to read, “*Consider annexation of 145th Street adjacent to the existing southern border of the City.*” Although consideration of annexation is not supposed to occur until after 2016 or later, staff recommends the amendment be placed on the docket, with the intent that it will likely be carried over to the 2017 docket.

- **Amendment 2** is a cleanup of Policies LU-63, LU-64, LU-65, LU-66 and LU-67, which reference policies in the King County Countywide Planning Policies that no longer exist. The proposed amendment would also correct references to policy numbers that have changed in the rest of the document.
- **Amendment 3** is a proposed amendment to the Point Wells Subarea Plan and has been on the docket for several years. Staff does not anticipate that the Richmond Beach Transportation Corridor Study will be completed in 2016. Therefore, they are recommending the amendment be placed on the 2016 Comprehensive Plan Docket with the intent that it will likely be carried over to the 2017 Comprehensive Plan docket.
- **Amendment 4** would add goals and policies to the Parks, Recreation and Open Space (PROS) Element of the Comprehensive Plan based on policies identified in the 185th Street Light Rail Station Subarea Plan. The City will work with the Parks Board and community to determine the process of locating new park space within subareas and establishing a means to fund new park space. Staff recommends the amendment be added to the 2016 docket with the understanding that the PROS Plan will most likely be adopted in 2017 and it may be carried over to the 2017 docket.

Public Comments and Commission Recommendation on City-Initiated Amendments

There were no public comments.

COMMISSIONER MORK MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENTS 1 THROUGH 4 BE INCLUDED ON THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Staff Report on Privately-Initiated Amendments Related to the Richmond Beach Corridor and Point Wells

Mr. Szafran reviewed the following six, privately-initiated amendments proposed for the 2016 dockets:

- **Amendment 5** seeks to amend language in the Point Wells Subarea Plan Policy PW-1 to read: *“The lowland portion of the Point Wells Island, as shown on Figure 3, is designated as the City of Shoreline’s proposed future service and annexation area (FSAA). However, if a public access road is constructed that connects Point Wells Island to the Town of Woodway, the FSSA shall be reduced in scope to be no greater than the area west of the Burlington Norther Santa Fe right-of-way.”* The applicant states that if a second access road to Point Wells is constructed, connecting the Town of Woodway to Point Wells, Woodway would then have direct access to the lowland portion of the site. The lowland area of Point Wells east of the railroad right-of-way is already in the Town of Woodway’s Municipal Urban Growth Area, and staff believes the proposed amendment is premature since a second access road leading to the Town of Woodway is uncertain. At this point, the only access into Point Wells is through Richmond Beach Drive Northwest, which connects Shoreline to the southeast portion of the Point Wells lowland. Staff recommends that the proposed amendment not be placed on the 2016 docket.

- **Amendment 6** would add the following language to the Point Wells Subarea Plan Policy PW-11. Generally, Amendment 6 would restrict the amount of traffic that may be allowed on Richmond Beach Road. Because the City does not know the amount of trips being proposed, nor do they know the amount of trips Snohomish County would be willing to accept, it may be better to strike hypothetical specifics and instead provide language about the Capital Improvement Plan to restripe Richmond Beach Road to a three-lane roadway and include that, as with any development, additional trips added to the system should not deviate from the LOS standards resulting from our planned future roadway. At this time, staff does not recommend adding the proposed amendment to the 2016 docket.
- **Amendment 7** would add language to the Point Wells Subarea Plan Policy PW-12. Amendment 7 is generally like Amendment 6 in that it seeks to limit traffic on Richmond Beach Road. As proposed, a new sentence would be added at the end of PW-12 to read, *“As a separate limitation in addition to the foregoing, the maximum number of new vehicle trips a day entering the City’s road network from/to Point Wells at full buildout shall not exceed the spare capacity of Richmond Beach Road under the City’s .90 V/C standard based on Richmond Beach Road being a 3-lane road (the .90 V/C standard may not be exceeded at any location along Richmond each Road).”* Staff does not recommend the proposed amendment be included in the 2016 Docket. Ms. Dedinsky said the reasons for not placing the amendment on the 2016 docket are similar to the reasons for Amendment 5. The City already has LOS standards that apply throughout the City, which would be adhered to.
- **Amendment 8** would amend Transportation Policy T-44. As written, no through movement could be less than LOS E at the signalized intersections on arterials and unsignaled intersecting arterials within the City. The proposed amendment would significantly change the LOS standard and would be in conflict with the LOS adopted in the TMP and Development Code. Staff does not recommend changes to the language in the City’s Comprehensive Plan as suggested by Amendment 8 until after the TMP is updated in 2016/2017. Ms. Dedinsky added that any changes to LOS standards have an implication to the Transportation Impact Fees. Again, the City already has an adopted LOS standard that applies citywide, and it does not make sense to deviate in a particular scenario as it would have further implications.
- **Amendment 9** would amend Transportation Policy T-44, which applies to volume over capacity (V/O) ratios for collector arterial streets. Policy T-44 calls for adopting a supplemental level of service for Principal and Minor Arterials, and the proposed amendment would add Collector Arterials to the policy. The amendment is a duplicate of an amendment proposed in 2015. At that time, the City Council directed staff to study the amendment as part of the TMP Update, which will likely be part of the 2017 docket. For that reasons, staff is recommending it not be placed on the 2016 docket. Instead, it would be studied through the TMP update.
- **Amendment 10** has to do with Transportation Policy T-44, and the request is that no more than one leg of an intersection may have a V/C ratio greater than .90. Staff cautions that this amendment would significantly change the LOS standard and is in conflict with the LOW in the adopted TMP and Development Code. Staff is not recommending any changes to Policy T-44 until after the City completes the TMP update in 2016-2017.

Public Comments and Commission Recommendation on Privately-Initiated Amendments Related to the Richmond Beach Corridor and Point Wells

Janet Way, Shoreline Preservation Society, said the society supports putting Amendments 5 through 10 forward on the 2016 docket, particularly because the village of Richmond Beach is struggling to find a way to cope with the potential problems of the Point Wells project. It seems the City should put the amendments forward as an opportunity to discuss them with the public and study them further to come up with better solutions.

COMMISSIONER MALEK MOVED THAT THE COMMISSION POSTPONE REVIEWING AMENDMENTS 5 THROUGH 10, SPECIFICALLY DEALING WITH THE RICHMOND BEACH ROAD TRAFFIC CORRIDOR AND THE POINT WELLS DEVELOPMENT UNTIL AT LEAST MARCH 3, 2016. COMMISSIONER MAUL SECONDED THE AMENDMENT.

Commissioner Malek said he would like to hear what the applicants have to say about the proposed amendments. He also noted that the Point Wells Subcommittee has not had an opportunity to review and discuss the amendments. They owe it to the applicants to better understand and clarify. Chair Pro Tem Montero suggested that the Point Wells Subcommittee could study the proposed amendments and bring back a recommendation on each one at a future meeting.

THE MOTION CARRIED UNANIMOUSLY.

Staff Report on Remaining Privately Initiated

Mr. Szafran reviewed the following five, privately-initiated amendments proposed for the 2016 dockets:

- **Amendment 11** would amend the introduction section of the Comprehensive Plan by adding a new Framework Goal 1 that would read, *“Citizens of Shoreline participation shall be at the heart of the implementation of the Comprehensive Plan.”* Staff agrees that any action the City Council takes on the Comprehensive Plan must include broad citizen participation and support. Framework Goal 11 speaks to this point directly by stating, *“Make timely and transparent decisions that respect community input.”* Staff believes the Comprehensive Plan is clear that citizens are the voice that drives decisions on land-use planning and implementation of the goals and policies of the Comprehensive Plan. Staff does not recommend that Amendment 11 be placed on the 2016 docket.
- **Amendments 12, 13 and 14** seek to add language to the Citizen Participation Policies in the Introduction Section of the Comprehensive Plan. The City Council amended the Comprehensive Plan on December 14, 2015 to include a Citizen Participation Plan, which emphasizes the involvement of the broadest cross section of the community, including the involvement of groups not previously involved. The program contains visioning, Planning Commission involvement in facilitation and public meetings, citizen surveys, public hearings, noticing of public meetings, community workshops, press releases, public service announcements, written comments, and a communication program. Staff believes the newly adopted Citizen Participation Plan will encourage meaningful public participation. Therefore, staff does not recommend placing the proposed amendments on the 2016 docket.

- **Amendment 15** seeks to add language to the Land Use Element Policy LU-31 that would read, *“Implement this policy by adopting an ordinance that requires that the City Council hold at least one public hearing prior to Council adoption of any proposed ordinance amending either the Comprehensive Plan Land Use Map or the official Zoning Map, and requiring advance public notice of the hearing by publication at least ten days prior to the hearing of a map showing the exact proposed map amendment, in the Seattle Times. Compliance with this policy requiring community involvement is achieved only by ensuring that any phased Comprehensive Plan Land Use Map amendment, phased subarea plan map amendment, or phased official zoning map amendment scheduled to take effect in the future occurs only after adoption of an ordinance confirming that the subsequent phase shall take effect, after compliance with the foregoing public hearing and notice requirement. The City shall review all prior adopted phased map amendments that have yet to occur for compliance with this policy and take legislative action to amend those prior ordinances approving phased map amendments to conform to this policy.”* Policy LU-31 directs staff to implement a robust community involvement process to create vibrant, livable and sustainable light rail station areas. Staff believes the proposed amendment’s language is more appropriate to include in a specific public participation plan and not in the general policies. Therefore, they are not recommending placing the amendment on the 2016 docket.

Public Comments and Commission Recommendation on Privately-Initiated Amendment 11

Janet Way, Shoreline Preservation Society, recalled that when Shoreline was made a City, it was supposed to be all about the citizens, and this point should be made at the beginning of the Comprehensive Plan. She asked that the Amendment 11 be included on the docket so it can at least be discussed by the public.

Chair Pro Tem Montero suggested there is some value to including Amendment 11 on the docket for discussion. Commissioner Maul commented that a lot of work was put into the Comprehensive Plan, which he felt adequately addresses the concerns raised by the applicant. However, he would not be opposed to including it on the docket for further discussion.

COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENT 11 BE INCLUDED ON THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Public Comments and Commission Recommendation on Privately-Initiated Amendments 12 through 14

Janet Way, Shoreline Preservation Society, said that, oftentimes, the general public is left wondering how to participate, and Amendment 12 provides a list of ideas for encouraging and facilitating public participation. It would also require that public comments at City Council and Planning Commission meetings be kept as part of the official public record. Her objective is to find even more ways to get people involved and help them better understand how the public process works.

Commissioner Maul said it is a good idea for the City to do whatever it can to encourage public participation, and he believes the City does a pretty good job. Although the ideas outlined in Amendment 12 might be good, he does not believe it is appropriate to provide the list as part of a policy. He noted that written comments, as well as oral comments provided at City Council and Planning Commission meetings, are automatically part of the official public record. The amendment would actually muddy the water and is unnecessary.

Commissioner Mork expressed her belief that staff works very hard to prepare recommendations and information for the Staff Reports. However, she agreed with Ms. Way that there are many frustrated citizens who feel that they were not able to be part of the system. While the underlying concern needs to be addressed, she questioned if Amendments 12 through 14 provide the appropriate language and location. She asked if the language proposed by the applicant could be amended before final adoption. Mr. Szafran answered affirmatively and said the language could be used as a starting point.

Chair Pro Tem Montero summarized that the Planning Commission, as a group, really tries to listen to the public. In addition, the City offers a number of opportunities for people to access information and provide comments, including a new computer program that will be purchased and implemented soon. He summarized that the City is conscientiously trying to increase public participation in discussions and decisions. Commissioner Mork commented that there are people who cannot attend meetings or access the information for one reason or another, and the City needs to provide ways for them to feel part of the topic of conversation. However, she did not feel this goal would be accomplished by Amendments 12 through 14.

Commissioner Malek said he likes the spirit of what is being said in Amendments 12 through 14. However, he observed that the City has worked hard on outreach programs to citizens. For example, the Planning Commission has reached out to the Council of Neighborhoods, which is a great way to disseminate information to all 14 neighborhoods at the grass roots level where there are grant programs available. He suggested that this grass roots level would be the appropriate place to implement some of the ideas called out in Amendments 12 through 14. He noted that Council Members take turns attending the Council of Neighborhoods Meetings to provide regular updates, and perhaps the Planning Commission could do better.

Commissioner Maul suggested that the Commission could reconsider the amendments in 2017, after the City's new computer program has been implemented and its effectiveness assessed.

COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENTS 12, 13 AND 14 NOT BE INCLUDED ON THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Public Comments and Commission Recommendation on Privately-Initiated Amendment 15

Janet Way, Shoreline Preservation Society, observed that the “phasing” is often part of rezones and Comprehensive Plan Land Use Map amendments. Amendment 15 would require public hearings when the phases are underway and reach certain benchmarks. The public should have an opportunity to weigh

in on whether or not the phase is being met and what will happen in the future, and the public hearings should be officially noticed. She commented that the Wetlands Update that was presented earlier is an example of the concern. She questioned if there would be an official public hearing on the update, or if there would just be more Commission discussion before forwarding a recommendation to the City Council. If an official public hearing is held, the record is more clear and set for future reference. She expressed her belief that Amendment 15 would allow the public to be better informed and more involved with assessing what has happened up to each benchmark.

Dave Lange, Shoreline, suggested that Amendment 15 might be too much detail to include in a Comprehensive Plan policy. However, he would like the language to be placed in Shoreline Municipal Code (SMC) 20.30.060, which covers Type C Quasi-Judicial Decisions. Implementing the language into the SMC would not require that the amendment be part of the 2016 docket.

Leslie Frosch, Shoreline, agreed with Ms. Way regarding the public hearing and official notification. Sometimes things get swept under the rug, and it is easy for citizens to miss things. If official notification is given, citizens can see it and react.

Tom Poitras, Shoreline, said he does not have an opinion about whether Amendment 15 should be included on the 2016 docket or not, but phasing has potentially all kinds of problems. First, short-term phasing is meaningless. For example, it was suggested that phasing for the 185th Street Station Subarea Plan could be as short as six years, starting now. In essence, the phase would kick in about the time the station opens. He questioned what difference that would make. Second, when the issue of blight around Aurora Square was previously discussed, a gentleman who previously worked in the County Assessor's Office cautioned the City Council that once an area is designated to be rezoned in a short period of time, and developers and speculators purchase the properties, there will be very little motivation to keep them up because they expect them to be flipped into something bigger in the short term. He expressed his belief that phasing has to be studied much more carefully than it has been.

Commissioner Maul noted that Amendment 15 references a decision-making process and belongs somewhere else in the code rather than a Comprehensive Plan policy. He also noted that amendments to the zoning and land use maps already require a public hearing, and Amendment 15 appears to be a duplication of a decision-making process that is already in place. Mr. Szafran recalled that at the end of the 185th Street Station Subarea Plan process there was some discussion about the need for a waiting period when the City Council proposes changes to a proposal before them so that people have a chance to react to the changes.

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENT 15 NOT BE INCLUDED ON THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET. COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Director Markle reminded the Commissioners of the open house for the 145th Street Multimodal Corridor Study is Wednesday, February 24th from 6:00 to 8:00 p.m. at Shorecrest High School. This is

the third open house, and the draft preferred concept for the corridor will be presented. Chair Pro Tem Montero commented that he attended the last open house, which was well done and well attended. The remainder of the Commission concurred.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Malek reported that he attended the Richmond Beach Community Association's general meeting on February 16th, where the City Manager and Mayor Roberts provided an update on the Transit Corridor Analysis and other issues related to Point Wells.

AGENDA FOR NEXT MEETING

It was announced that Susan Chang would be sworn in as a new Commissioner at the March 3rd meeting. Mr. Szafran advised that the City's Transportation Planner would present an update on the 145th Corridor Study on March 3rd, as well.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Easton Craft
Chair Pro Tem, Planning Commission

Lisa Basher
Clerk, Planning Commission