

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

May 5, 2016
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

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

Staff Present

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

Others Present

John Evans, Light Rail Project Manager, Sound Transit

CALL TO ORDER

Chair 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 Craft, Vice Chair Montero, and Commissioners Chang, Maul, Malek and Mork and Moss-Thomas.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 21, 2016 were adopted as corrected.

GENERAL PUBLIC COMMENT

Dia Dryer, Shoreline, noted that the agenda does not make it clear that the topic of the public hearing and study item will be Development Code amendments related to the 145th Street Subarea Planning. She voiced concern that the agenda was vague, and the public may not have been truly informed about what the discussion would entail.

PUBLIC HEARING: DRAFT ORDINANCE 741 – DEVELOPMENT CODE AMENDMENTS RELATED TO LIGHT RAIL SYSTEM AND FACILITIES PERMITTING PROCESS

Staff Presentation

Director Markle explained that the purpose of the public hearing is to receive public comment on proposed Development Code amendments related to light rail systems and facilities and for the Commission to develop its recommendation to the City Council. She briefly introduced the amendments as follows:

- **SMC 20.20 – Definitions.** The definitions for “Light Rail Transit Facility” and “Light Rail Transit System” were amended to make it clear that, by state law, they are “Essential Public Facilities.” Also, a definition for “Regional Transit Authority” was added to be consistent with State law. Sound Transit is a Regional Transit Authority.
- **SMC 20.30.100 – Applications.** This amendment will allow Sound Transit to apply for permits related to property that it does not yet own or control and allow permitting to move forward while final property negotiations are being completed. Permits would be conditioned to stipulate that work is only allowed on the parcels for which Sound Transit has control, ownership, or is authorized to do so by the property owner.
- **SMC 20.30.330 – Special Use Permit.** This amendment adds “Essential Public Facilities” to the purpose of a Special Use Permit.
- **SMC 20.30.330(C) – Decision Criteria for Special Use Permits.** The City Council recently adopted the Special Use Permit (SUP) process as the means to approve light rail system/facilities as an allowed use. An SUP can be conditioned by the Hearing Examiner at the recommendation of staff or as part of the public process to meet the decision criteria, with the goal of making the use more compatible with existing uses. The amendment adds new criteria specific to light rail transit system facilities. The intent of the three proposed new criteria is to: 1) ensure that the proposed light rail stations, garages and other associated facilities use energy efficient and environmentally sustainable site design, 2) ensure that the system or facility is serviced by sufficient motorized and non-motorized capacity and infrastructure, and 3) ensure the design of the light rail facilities reflect the City’s adopted Guiding Principles for Light Rail Facility Design. Ultimately, the purpose of the SUP criteria is to find a way to allow Essential Public Facilities (light rail system/facilities) to be located in a way that is compatible with other uses in the zone.
- **SMC 20.40.438 – Supplemental Application Submittal Requirements.** The proposed amendment will require additional permit submittal items as part of the review process for all light rail system/facilities. The submittal items are typical for larger development projects, and the intent is to streamline the requirements by listing them all in one place. The supplemental requirements include:

- A **Construction Management Plan** to address staging areas, haul routes, hours of construction, noise reduction practices, daily clean up, parking during construction, etc.
 - A **Parking Management Plan** to examine such issues as overflow parking, signage, and parking enforcement post construction.
 - A **Multi Modal Access Plan** will be folded into Sound Transit’s Access Assessment Report. Staff envisions that a Multi-Modal Access Plan will address on and off-site needs for sidewalks, bicycle facilities, buses, traffic calming and parking impacts attributed to development of the proposed light rail stations. These considerations will likely be requested by the City for inclusion in the Access Assessment Report.
 - A **Neighborhood Traffic Plan** to look at traffic speeds and volumes in a public forum in an effort to anticipate issues and solutions that will be needed after the station opens. Typical outcomes include traffic-calming measures. Sound Transit requested that this work be negotiated through a joint scoping effort and possibly included in the Access Assessment Report.
 - A **Transportation Impact Analysis** is already required for any large project in the City as a way to ensure concurrency. The shift away from the Transportation Impact Analysis that was in previous drafts was in response to a concern that the City may inadvertently violate State law, which states that Essential Public Facilities are not subject to local jurisdictions’ concurrency regulations. The Transportation Impact Analysis is the tool the City uses to determine concurrency, and the traffic analysis required may be lost in the shift to the Access Assessment Report. Staff will likely request that any traffic analysis that is deemed necessary by the City’s Transportation, Planning, Traffic, and Engineering Divisions, that is not in violation of State law, must be included in the Access Assessment Report.
- **SMC 20.50.240(F)(6)(g) – Utilities for Public Places.** This amendment is intended to bring utilities to public places located outside of the light rail facilities in support of uses such as outdoor vendors in the future.
 - **SMC 20.50.360 – Compliance with Tree code and Related Provisions.** A largely unavoidable impact related to the construction of the light rail stations/facilities is the removal of hundreds of trees. The City’s existing regulations are a great starting place for determining tree replacement ratios and sizes, but they are a little weak in regard to potential impact on off-site trees. The proposed amendment will improve the off-site tree regulations citywide by broadening the scope of an arborist’s evaluation and site design to include trees and their critical root zones when located within five feet of development. It also adds specific requirements for tree replacement when a tree that is being replaced is located off site. As proposed, the replacement trees would need to be larger (8 feet instead of 6 feet in height). The Commission received public testimony in April about an idea of requiring that replacement trees be native conifers, and draft amendment language was provided in the Staff Report if the Commission would like to pursue the concept.

Director Markle reported that, following the Commission’s April 21st Study Session, the Light Rail Subcommittee (Commissioners Maul, Moss-Thomas, and Mork) met with John Evans of Sound Transit, who is the project manager for the portion of the Lynnwood link extension that will be constructed in Shoreline. The meeting provided the subcommittee the opportunity to ask questions and learn more about why Sound Transit has proposed amendments to the City’s original draft code language. The

subcommittee seemed most concerned about making sure that the City has the authority to require information and a means to work with Sound Transit to address impacts during construction and post construction. Following the discussion, the subcommittee expressed interest in:

1. Clarifying that the Parking Management Plan refers to parking after the light rail service opens and that construction parking is covered in the Construction Management Plan.
2. Expanding the post-construction parking plan to include other post-operational issues such as noise.
3. Adding a general description of what will be addressed in the Access Assessment Report. Specifically, the study will address facilities near stations for pedestrians, buses, bicycles, paratransit riders and kiss-and-ride users, and also address traffic. As originally drafted, the City's amendments included requirements for a Neighborhood Traffic Plan, Multimodal Access Plan and Transportation Impact Analysis. By adding this general list of what is included in an Access Assessment Report, the intent of the previous plans will be carried forward through Sound Transit's preferred tool.
4. Establishing a way for the public to comment on various issues to be addressed in the supplemental plans. It was discussed that the three Sound Transit open houses will be held in Shoreline and will provide a good forum to share this information and collect feedback on the issues that could be filtered into the plans. Further, the City Council will have the opportunity to weigh in following each of the open houses and can provide direction on the supplemental plans.

Director Markle reported that Sound Transit provided feedback on the subcommittee's initial recommendations. Concern was raised regarding expanding the required plans to address post-operational issues such as noise. Also, there was concern about adding buses, paratransit, kiss-and-ride and traffic as specific items that would be included in an Access Assessment Report. She noted that John Evans from Sound Transit was present to provide oral testimony and answer Commissioners questions. In addition, he submitted a comment letter on Sound Transit's behalf.

Director Markle explained that the next step is for the Commission to receive public testimony and formulate a recommendation to the City Council. The proposed amendments are scheduled for City Council discussion on June 6th, with final approval on July 11th.

Vice Chair Montero asked if the subcommittee's recommended changes were incorporated into the draft Development Code amendments (Attachment A). Commissioner Moss-Thomas answered that the desk packet provides a written summary of the subcommittee's discussion. The recommended changes were prepared after meeting with John Evans from Sound Transit. Subsequently, Mr. Evans reviewed the recommendations and provided a written response. Director Markle clarified that the Commission would need to amend the draft ordinance to incorporate the subcommittee's recommendations. Commissioner Moss-Thomas said the letter from Sound Transit actually includes the language the subcommittee recommended with edits.

Commissioner Mork referred to the proposed SMC for the Special Use Permit, 20.30.330(C)(2), and asked who would decide whether or not the City's standards have been met with regards to mitigation for any adverse impacts on City infrastructure. Director Markle answered that staff prepares a recommendation that is forwarded to the Hearing Examiner, and the Hearing Examiner makes the final decision.

Public Testimony

Chair Craft reviewed the rules and procedures for the public hearing and then opened the public hearing.

Janet Way, Shoreline, said she was present to speak on behalf of the Shoreline Preservation Society. She voiced support for the added details related to trees. She referred to SMC 20.30.330(C)(2), and asked if the code includes a definition for “environmentally sustainable architecture.” While the concept is good, she questioned how the City would make this determination. She referred to the Thornton Creek Basin Characterization Report and noted there are several wetlands along the light rail route, as well as one identified as WLJ. She said she would like the City to work with Sound Transit to get their help for mitigation of any wetland or creek corridor that is impacted by the station area and light rail line. This mitigation should be provided nearby, such as in Twin Ponds and/or Paramount Park, where a lot of help is needed with acquisition, trail building, culvert replacement, wetland restoration, etc.

Ms. Way asked where traffic will be routed during the actual construction. She said she supports the requirement of a certified arborist review of any tree replacement plan. For those trees that do need to be cut, she would like the logs, root wads and chips to be re-used in some of the natural areas in parks. This large, woody-debris is a valuable component that is lacking in the City’s parks. It would honor trees to use these products nearby.

Ms. Way voiced concern that, although some of the trees might not be very large in diameter, they still might be valuable. She likes the idea of replacing the trees with native conifers. There are currently 80 trees in the existing park-and-ride lot, and Mr. Poitras suggested that Sound Transit consider using this area as a plaza adjacent to the light rail station. It is already a beautiful place. The single-family properties to the north could be acquired and used for the park-and-ride, instead.

John Evans, Project Manager, Sound Transit, said he appreciated the opportunity to work with staff, and felt that the collaborative effort has gone a long way to make the process more efficient and effective. They want to move the project forward in a way that works best for the City, and he is personally committed to making sure that happens. In that light, there are certain interests that Sound Transit sees as necessary in order for the project to proceed efficiently. He briefly reviewed the minor, but important, changes Sound Transit has requested to Ordinance 741.

- Concern has been expressed that if there is not adequate parking, people may choose to park their cars in the neighborhoods outside of the designated parking areas. Sound Transit wants to work with the City to avoid that, and that is the intent of the Parking Management Plan. However, Sound Transit is concerned about adding items that are unrelated to parking. For example, studying noise as part of a parking plan would unnecessarily broaden the scope of the plan. He explained that throughout the design process, as well as during the pre-operational phase, Sound Transit will monitor, study and test to make sure they are meeting the strict Federal Transit Authority (FTA) thresholds for noise affecting nearby residents. Mitigation for noise will be determined during the project’s final design, and staff will be involved via an over-the-shoulder design process. To study noise as part of a parking analysis seems an unnecessary additional effort that might slow down the process.

- Sound Transit would be interested in the Access Assessment Report focusing on the critical nature of access reports, which are based on bicycle and pedestrian requirements around the station. If the report is expanded to include all traffic improvements, it would duplicate effort that has already been completed and that Sound Transit is committed to work with the City to address through the final design process. They would like to limit the scope of the Access Assessment Report around bicycle and pedestrian improvements.

Yoshiko Saheki, Shoreline, thanked staff for including her suggestion about using conifers for replacement trees in the station area. She said most people are very sad to see all of the trees removed, but trees do grow. Even though she might not be around to see the replacement trees grow as large as the existing trees, it will be a wonderful legacy to leave to the future generations. If noise is not addressed as part of the Parking Management Plan, she asked that the Commission seriously consider issues related to noise. She has corresponded with Mr. Evans, and has mentioned at Commission Meetings, that the west side of Interstate 5 does not have a sound wall. When the sound wall on the east side was constructed, she believes the freeway noise increased on the west side. This is an opportune time, when replacement walls might be constructed on the east side, to also put in sound walls on the west side.

Tom Poitras, Shoreline, suggested that work needs to be done for a better traffic flow plan around the station. He said he visited the area on the south end of the proposed parking garage where a plaza has been proposed. He commented that the noise from the freeway in this location is overwhelming. People may want to walk through the plaza, but they wouldn't want to stay long. Assuming it is feasible, he suggested the plaza could be moved to the existing park-and-ride location, and the park-and-ride could be moved to the single-family residential lots just north of the parking garage where there is already a sound barrier in place. This will allow the conifers in the north end of the existing park-and-ride to be saved, and that will enhance the potential plaza being north of the parking garage. It will also allow enough space to improve the traffic flow. As currently proposed, there will only be one entrance to the station for buses and cars, and they will have to cross southbound 5th Avenue traffic approaching the intersection to get on the freeway. He cannot see how that will work. Work needs to be done to improve the situation, perhaps by adding an extra entrance.

Continued Commission Discussion and Recommendation

COMMISSIONER MOSS THOMAS MOVED TO ACCEPT THE LANGUAGE AS RECOMMENDED BY STAFF FOR THE AMENDMENTS OUTLINED IN DRAFT ORDINANCE 741. COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Moss-Thomas referred to the Sound Transit's letter of response to the subcommittee's recommendations. While she recognizes that paratransit and buses are not within the purview of Sound Transit, she felt that the Access Assessment Report should include kiss-and-ride users and traffic. The kiss-and-ride location would be an on-site station feature. Also, traffic is a significant concern. If it is not specifically called out, it may not get as much attention as needed. Commissioner Maul indicated he is comfortable with the changes proposed by Sound Transit.

COMMISSIONER MAUL MOVED TO AMEND THE MOTION TO INCLUDE THE LIGHT RAIL SUBCOMMITTEE'S AMENDMENTS THAT WERE INCLUDED IN THE DESK PACKET, ALONG WITH SOUND TRANSIT'S SUGGESTED AMENDMENTS TO THE LANGUAGE THAT WERE SUBMITTED IN THEIR PUBLIC COMMENT LETTER RECEIVED MAY 5, 2016, AND ALSO INCLUDED IN THE DESK PACKET. COMMISSIONER MORK SECONDED THE MOTION TO AMEND.

Commissioner Maul suggested that the differences are “splitting hairs.” The additional Access Assessment Report language proposed by the subcommittee, minus the recommended changes put forth by Sound Transit, will provide adequate coverage. They are not really looking for Sound Transit to study bus routes; and just want to make sure that that buses can get in and out of the station, which they will do. The kiss-and-ride is a matter of getting traffic in and out the station efficiently, which will be Sound Transit's goal in order to make the station work. He can see both sides of the argument; but ultimately, Sound Transit and the City want the station to work. Sound Transit will study how traffic flows in and out of the station, whether it is pedestrians, buses, bicycles, etc.

Commissioner Chang said she doesn't understand how all of the different modes of transportation will be studied as part of the Access Assessment Study. Commissioner Maul answered that Sound Transit will hire a team of consultants to complete the study, and the team will review all of the information contained in traffic reports, traffic counts, corridor studies, etc. The information will be collated into a report that helps guide the design of access to the station. He believes that City staff will have the opportunity to review the study and amend and/or talk about other issues until a design is well thought out and works properly.

Director Markle said staff will work with Sound Transit to come up with a scope for the report in the very near future. Mr. Evans acknowledged the accuracy of Commissioner Maul's statements. Sound Transit will work with the City to produce a report. He reminded them that, as per the proposed ordinance, if the City is not satisfied with the content of the report, it can require a third-party review at Sound Transit's expense and under the direction of City staff.

Vice Chair Montero said he is also concerned that noise could exceed codified standards. Sound Transit's clarification was that Shoreline's noise code requirements will be needlessly redundant and excessive. He asked staff to describe the City's requirements for noise during construction projects. Assistant City Attorney Ainsworth Taylor answered that all noise would be allowed during the regular weekday business hours between 7 a.m. and 7 p.m., and the times are adjusted for weekends. There are no set decibel ratings, and construction noise is permitted as a reasonable use to get the building done. She emphasized that Sound Transit would be subject to these same regulations. Commissioner Maul added that the Federal requirements are much more stringent than the City requirements.

Commissioner Mork asked why Sound Transit does not want to include kiss-and-ride and traffic as part of the Access Assessment Report. Director Markle said one reason for asking that traffic not be included is that Sound Transit has already studied traffic to a great level in the Final Environmental Impact Statement (FEIS). However, she acknowledged that not all of the designs were as complete as they are now or will be. In staff's opinion, there could be a gap between what was analyzed in the FEIS and what the impacts will be based on more finalized designs. Concurrency is another reason why

Sound Transit does not want to include traffic as a specific element in the plan. The Transportation Impact Analysis is used to determine whether or not a project is running up against the City's concurrency levels. The station is an Essential Public Facility, and State law precludes the City from using Level of Service (LOS) to preclude their siting. She invited Mr. Evans to explain why Sound Transit does not want to include kiss-and-ride in the report. Mr. Evans said Sound Transit fully intends to address kiss-and-ride as part of the analysis and final design. It merely seems unnecessary to put it in the standard for the code because it is already part of Sound Transit's everyday business and their design manuals require them to look at pick-up and drop-off sites. Including it as part of the report will not have a significant impact.

Commissioner Moss-Thomas recalled that the subcommittee did not feel particularly comfortable changing the Traffic Impact Analysis to an Access Assessment Report. However, the issue was fully vetted and their questions were answered when meeting with Mr. Evans. While excluding kiss-and-ride will not be a deal breaker, she is more concerned about traffic. She recalled that citizens have expressed significant concern that traffic will not be adequately addressed. Other than redundancy, she asked if there is a specific reason why Sound Transit does not want to include traffic as part of the report. Mr. Evans explained that Sound Transit has committed to traffic mitigation, and the Final Environmental Impact Statement (FEIS) that was completed for the project includes a component called "the Record of Decision." Sound Transit will not get money from the Federal Government to do the project unless they meet the mitigation committed to. One very important mitigation is that Sound Transit will partner with the City to determine adequate improvements within ¼ mile of the station. The improvements are well defined and include vehicular, pedestrian and bicycle improvements. Sound Transit's belief is that the most efficient approach is to work with staff, based on the luminous analysis that has already been completed, rather than spending time and money to remodel the potential impacts of the station area when it has already been completed. There is already a great deal of information, and Sound Transit has also done an Interchange Justification Management (IJM) Plan for the change to the 145th Street Interchange. This plan looked at all the area intersections and the potential impacts for traffic, and recommended mitigation. Sound Transit wants to negotiate with the City about what can be done to improve the impacts the station will bring, but they do not want to be responsible for mitigating more impacts than the project will result in.

Commissioner Moss-Thomas voiced concern that people will use cut-through streets to avoid the entire subarea during construction. The ¼ mile radius will address some, but not all, of the situations. Mr. Evans said the ¼ mile radius identifies the area in which Sound Transit is committed to pay for or actually do the improvements themselves. However, the studies that have been done looked at a much larger area. Generally speaking, Sound Transit is already committed to mitigation within ¼ mile of the Station.

Vice Chair Montero asked why Sound Transit is opposed to including paratransit riders in the Access Assessment Report. Commissioner Moss-Thomas pointed out that paratransit riders will access the station via King County Metro, and Mr. Evans indicated that buses are not part of Sound Transit's purview. Mr. Evans explained that Sound Transit's design criteria requires that all forms of transit coming into the station must be addressed. One required element of funding is that Sound Transit work with the other transit providers (King County Metro and Community Transit) to facilitate their long-term plans in the area through the design of the station and station areas. It is already part of the program and

does not need to be included in the study. However, he would not be opposed to including the specific language, either.

Commissioner Moss-Thomas said it is important that citizens feel assurance that all forms of transit will be addressed, even if it will not change Sound Transit's process. Chair Craft said it is good to hear that Sound Transit is considering all of the various avenues and potential mitigation factors. Perhaps the City staff might consider a communication in that regard if there are questions. Commissioner Moss-Thomas recommended that the subcommittee's changes be incorporated into the draft ordinance as presented, without the adjustments provided by Sound Transit.

Commissioner Mork asked if, based on the main motion, the requirement pertaining to the type of size of replacement trees will be included as part of Ordinance 741. Director Markle stated that the draft ordinance includes the larger tree size, but it does not include a preference for conifers. A separate motion will be needed to address the issue of tree preference.

THE MOTION TO AMEND THE MAIN MOTION WAS UNANIMOUSLY APPROVED.

COMMISSIONER MOSS-THOMAS MOVED TO FURTHER AMEND THE MAIN MOTION TO CHANGE THE SECOND SENTENCE OF SMC 20.40.438(E)(3) TO READ, "IN GENERAL, THE ACCESS ASSESSMENT REPORT WILL ADDRESS: IMPROVEMENTS NEAR THE STATIONS FOR PEDESTRIANS AND BICYCLES, PARATRANSIT RIDERS, AND "KISS AND RIDE" USERS." COMMISSIONER MORK SECONDED THE MOTION TO AMEND.

Commissioner Moss-Thomas reiterated that it is important that people looking at the plan understand that all of these aspects will be addressed. Chair Craft said that, although the additional language will be redundant, his understanding is that it will not result in additional cost or redundant studies. Director Markle reviewed that Sound Transit's opinion is that the language is unnecessary because the work will be done anyway. However, both staff and Sound Transit have agreed that adding the additional language will not result in any additional cost or work. Including the language will demonstrate that the City has considered all these issues. Chair Craft suggested that "drop off" might be a better term than "kiss and ride."

THE MOTION TO AMEND THE MAIN MOTION WAS UNANIMOUSLY APPROVED.

Commissioner Mork expressed her belief that there is merit to the recommendation of requiring conifers for replacement trees. However, she is also concerned about putting too many restrictions on tree replacement. If the City indicates conifers as the preferred replacement tree species, what will be the process of approval if it is determined that another species is more appropriate in some locations. Director Markle reminded the Commission that a tree plan will be required, and the arborist preparing the plan will need to explain why conifer will not be the appropriate species in some location. She advised that adding this level of specificity to the plan could result in additional cost.

Commissioner Moss-Thomas agreed that conifers are a wonderful native species, and there are numerous conifers throughout the City. Rather than limiting the species to just conifers, she questioned if it would be appropriate to include other native species, as well. They need to assure that what they are

doing is the most aesthetically pleasing, and keeping with the nature of the City. Director Markle suggested that another alternative would be to require that replacement trees must be native. This would be similar to the Critical Areas Ordinance. If they want a certain look and feel, as in the iconic conifer, then the code language should require conifers unless it is not feasible for the health of the tree. Commissioner Maul suggested that the additional language could be added as Item 4 under SMC 20.50.360(C).

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO INCLUDE THE LANGUAGE SUGGESTED IN THE STAFF REPORT REGARDING SMC 20.50.360(C). THE LANGUAGE WOULD ADD A NEW SECTION 4 THAT WOULD READ, “REPLACEMENT TREES REQUIRED FOR THE LYNNWOOD LINK EXTENSION PROJECT SHALL BE NATIVE.” COMMISSIONER MORK SECONDED THE MOTION.

Director Markle clarified that the proposed amendment would add a new Item 4 to SMC 20.50.360(C). The existing Item 4 would be changed to Item 5, and existing Item 5 would be changed to Item 6.

Commissioner Chang asked who would make the final decision on the tree species. Director Markle answered that City staff would review the plan and make sure it complies with the ordinance, as adopted. Commissioner Chang asked what would happen if the City wants conifers, but that is not what Sound Transit proposes. Director Markle said that the language currently being considered would not allow the City to require conifers. She said Mr. Cohen suggested that replacement could be commensurate with the mix of trees that were removed. Otherwise, staff could encourage, but not require conifers.

THE MOTION TO AMEND THE MAIN MOTION FAILED UNANIMOUSLY.

CHAIR CRAFT MOVED TO AMEND THE MAIN MOTION TO ADD A NEW SECTION 4 IN SMC 20.50.360(C) TO READ, “REPLACEMENT TREES REQUIRED FOR THE LYNNWOOD LINK EXTENSION PROJECT SHALL BE NATIVE CONIFER AND DECIDUOUS TREES PROPORTIONAL TO THE NUMBER AND TYPE OF TREES REMOVED FOR CONSTRUCTION, UNLESS AS PART OF THE PLAN REQUIRED IN SMC 20.50.350(A) THE QUALIFIED PROFESSIONAL DEMONSTRATES THAT A NATIVE CONIFER IS NOT LIKELY TO SURVIVE IN A SPECIFIC LOCATION.” (NOTE: EXISTING NUMBER 4 WOULD BE CHANGED TO 5 AND EXISTING NUMBER 5 TO 6.) COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.

THE MOTION TO AMEND CARRIED UNANIMOUSLY.

COMMISSIONER MAUL MOVED TO AMEND THE MAIN MOTION TO INCLUDE PROPOSED CHANGES TO SMC 20.50.370 CONSISTENT WITH THE STAFF REPORT. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO CHANGE THE LANGUAGE IN SMC 20.50.240(F)(6)(g) TO ADD THE WORD “POTABLE” BEFORE “WATER.” COMMISSIONER MAUL SECONDED THE MOTION.

Chair Craft asked if there were any down sides to including the word “potable.” Commissioner Maul explained that the point of requiring water and electrical power is to accommodate vendors during public activities at the station. In addition to adding the word “potable,” he suggested that the word “exterior” should be further defined to make it clear that it should be associated with the plaza facilities. Chair Craft felt this would be appropriately addressed as part of the design phase.

THE MOTION TO AMEND THE MAIN MOTION WAS UNANIMOUSLY APPROVED.

For the Commission’s information, Ms. Basher reviewed the main motion, as well as the amendments that were approved via sub-motions.

Assistant City Attorney Ainsworth Taylor noted that the main motion included the recommendations put forth by the Light Rail Subcommittee, which were not reflected in either the Staff Report or Attachment A. Director Markle said the changes were outlined in the subcommittee’s report, which was provided as a desk packet and posted online, as well.

THE MAIN MOTION, TO ADOPT ORDINANCE 741 WAS UNANIMOUSLY APPROVED AS AMENDED.

Chair Craft closed the public hearing.

STUDY ITEM: DEVELOPMENT REGULATIONS RELATED TO LIGHT RAIL STATION SUBAREAS

Staff Presentation

Mr. Szafran explained that the purpose of the study session is to review Development Code amendments that will apply to the proposed 145th Street Station Subarea, as well as amendments that will apply to both station subareas. Staff will provide information and seek direction on options for certain regulations. They will also respond to questions and gather public comment. He reviewed that the 185th Street Station Subarea Plan was adopted about a year ago. The plan created a land use transportation infrastructure framework for a livable, equitable and sustainable transit-oriented community in Shoreline. The Commission reviewed and recommended to the City Council Development Code amendments to implement the plan in January of 2015. Staff is recommending that the bulk of the amendments passed through the 185th Street Station Subarea Plan also be applied to the future 145th Street Station Subarea Plan. He reviewed that the amendments created the new Mixed Use Residential (MUR) zones (35’, 45’ and 70’) that identified new station area uses and dimensional standards, as well as site and building design standards. Mr. Szafran said the amendments currently proposed would apply to all MUR zones and are based on staff’s experience implementing the existing regulations in the 185th Street Station Subarea, as well as issues raised by the community and new information collected. Mr. Szafran and Mr. Cohen reviewed the amendments as follows:

- **Amendment 1 – Critical Areas Reasonable Use Permits (CARUP) (SMC 20.30.336).** Mr. Szafran said the proposed development code will add another layer of environmental protection to development within the light rail station subareas. If a parcel is zoned MUR-35', MUR-45' or MUR-70' and contains a critical area or critical area buffer, which necessitates a CARUP, the uses and development standards will revert to the Residential (R-6) development standards.

Commissioner Chang asked staff to describe what critical areas would require a CARUP. Mr. Cohen said the permit would be required when a property has enough critical areas and their buffers that it cannot reasonably be developed to what the zone allows. By State law, the City is required to allow people to develop their properties, and this process allows the City to bend some of the zoning requirements in order to accommodate development on the property, with the goal of having the least amount of impact on the critical area. He summarized that the critical area restrictions would apply to wetlands, streams, steep slopes, landslide hazard areas, wildlife habitat areas, etc.

Chair Craft asked staff to provide more details on State law, and why the CARUP option is something the City must provide. Assistant City Attorney Ainsworth Taylor said the basic concept under the Growth Management Act (GMA) is that critical areas need to be protected, and this includes wetlands, streams, fish and wildlife habitat, geologically sensitive hazardous areas, frequently flooded areas, and aquifer recharge zones (none in the City). To prevent what is termed a “regulatory taking,” which would be the City taking all of the property by applying the regulations, the City allows for a reasonable use (bare minimum use) so the property could be developed to some use. The other option would be to exercise a “taking,” which would require a payment of money from the City.

Commissioner Chang said the example provided by staff was the properties west of the Paramount Open Space, which are all encumbered by a wetland buffer. Mr. Szafran said a lot of parcels to the east of the open space are completely encumbered by wetlands and/or buffer. Commissioner Chang asked if the intent of the amendment is to allow the CARUP to go forward for properties that are completely encumbered. Mr. Cohen explained that reasonable use of a property that is zoned MUR is quite a bit different than reasonable use of property that is zoned single-family. The proposed amendment would place further restriction on development by establishing a development standard that is far less intense than MUR.

Commissioner Chang asked how the provision would apply to properties that are partially encumbered. Mr. Cohen said properties that are partially encumbered could also require a CARUP. The intent is to keep all development out of the critical areas and their buffers, but they must allow for some type of reasonable development. The CARUP process allows the City to work with the property owner to find a solution that is a reasonable.

Commissioner Chang asked how staff determines whether or not a property is encumbered by a wetland or wetland buffer. Mr. Cohen said the City has a critical areas overlay on its GIS system, which indicates critical areas. However, if a property has not been studied previously, the owner would be required to hire a consultant to demarcate and analyze the critical area on the property before the City will grant approval. Commissioner Chang noted that the Development Code

references the 2004 TetraTech study as the basis for the overlay, and Mr. Cohen confirmed that is the map that was used for the overlay.

- **Amendment 2 – Station Area Uses Table (SMC 20.40.160).** Mr. Szafran explained that the proposed amendment will prohibit single-family attached housing in the MUR-70' zone and allow detached single-family housing in the MUR-35' and MUR-45' zones, subject to the MUR development standards. He further explained that the MUR-70' zone is intended to be the most intensive zoning district, since it closely surrounds the future light rail stations. The MUR-70' zone allows 70 feet in height, no density limitations, and potential reduced parking standards. The zone is intended to encourage denser, more intense housing close to the stations. Staff believes that town homes and other single-family attached housing types are really more suited to the MUR-35' and MUR-45' zones as they do not provide enough of the density intensity around the areas closest to the station.

Mr. Szafran said Amendment 2 would also allow single-family detached housing that meets the MUR-35' and MUR-45' development standards, without the requirement that the developments meet the R-6 zoning standards. The amendment would also apply a minimum density of 12 units per acre. If a developer or property owner is not interested in developing the property to the minimum density, through the exception, the owner could still construct a detached, single-family home in accordance with the R-6 development standards. The intent of the amendment is to offer developers more options as to the type of housing. It could also result in more open space and additional landscaping, as well as break up the mass of buildings.

- **Amendment 3 – Single Family Residential Detached in the MUR-35' and MUR-45' Zone (SMC 20.40.160).** Mr. Szafran said this amendment is related to Amendment 2 and would give the owner of an MUR-35' zoned parcel development options. Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone, subject to the R-6 standards.
- **Amendment 4 – Table in SMC 20.50.020(2).** This amendment would change the table to allow single-family detached housing in the MUR-35' zone without the limitation of the R-6 zoning standards.
- **Amendment 5 – Table in SMC 20.50.020(2).** Mr. Szafran explained that this amendment would also change the table to establish a minimum lot area in the MUR-70' zone. Mr. Cohen explained that after contemplating and administering the new zoning standards for the 185th Street Station Subarea Plan over the past year, the City Council and staff are concerned about how redevelopment will occur over time and how much the City can influence how development happens. Staff is proposing a simple approach of establishing a minimum lot area of 20,000 square feet in order to develop in the MUR-70' zone. This would force property owners to aggregate and hopefully avoid the isolated small parcels of land. Staff researched other jurisdictions to determine what would be an appropriate number for minimum lot area. While a few have minimum lot area requirements for more intense development, there is really no way to tell whether what is allowed in the zone is comparable to Shoreline. Staff also surveyed architects and developers to find out what they would need for minimum lot size in order to maximize development in the MUR-70' zone, but they got no

clear answer. Staff measured existing developments in Shoreline that are very close to MUR-70, and found that the lot sizes were about 20,000 square feet and some were much larger.

Since many of the existing developments in Shoreline had lot sizes of much greater than 20,000 square feet, Chair Craft asked if a larger number (perhaps an average of the aggregate) would be more appropriate. Mr. Cohen said the intent is not to curtail potential development that is relevant to what currently exists. The minimum lot size requirement would not prohibit development of a larger area. The intent is to kick-start development in the MUR-70' zone to its maximum potential to set the template. More refined requirements could be added in the future after the City has more experience administering the new zones.

Commissioner Mork asked staff to respond to the public comment the Commission received regarding Amendment 5. Mr. Cohen said the key question is how the area will transform over time. A developer would have to aggregate approximately three lots in order to get 20,000 square feet. Staff acknowledges there may be occasions where a property owner does not want to sell and a developer has to build around the lot. This could result in isolated parcels that cannot be developed. The intent is to encourage development to the full MUR-70' density in order to avoid the creation of isolated properties. However, he recognized that the City cannot control that every parcel will be aggregated. The City needs more time to better understand how to address these isolated parcels before the code is fine tuned. Mr. Szafran said staff has discussed the concept of developing infill standards in the coming years if isolated parcels become a problem. Mr. Cohen added that if the City gets the development trend in the area to be mostly full MUR-70' development, smaller parcels may not be a real issue.

Commissioner Maul said every remnant parcel he has ever seen is because the property owner refused to sell for whatever reason. He asked if a Special Use Permit process could be applied if this were to occur. Mr. Cohen said staff has discussed other potential processes to review proposals on parcels smaller than 20,000 square feet. There are both pros and cons, and staff feels that more time is needed before preparing a proposal for the Commission and City Council to consider.

- **Amendment 6 – Table in 20.50.020(2).** Mr. Szafran said the amendment would amend the table to require the Public Works Department to determine what the specific setbacks should be along 145th and 185th Streets until a final design is selected. When the initial 185th Street Station Area Plan code was written, staff did not know exactly what the setbacks should be on 185th. They knew there would be a corridor study, and that additional right-of-way may be needed in some locations. development proposals come in along the corridors, the Public Works Department may know finer detail about what will be needed for future right-of-way. The fear is that if a hard 15-foot setback is required, but the Public Works Department only needs 10, they shouldn't be taking the extra right-of-way.

Vice Chair Montero asked how the proposed amendment would impact the existing buildings on 145th Street. Mr. Szafran answered that they would not be affected. However, if a building permit were to come in next week for a project on 145th Street, the project would be sent to the Public Works Department to determine what the setback should be, not to exceed the standard in the code.

- **Amendment 7 – Table in 20.50.020(2).** Mr. Szafran said this amendment would allow for rooftop building amenities to go over the maximum base building height. The City currently allows for certain mechanical and environmental elements to exceed the base building height, and roof structures such as elevators, stairways, tanks, mechanicals, sky lights, and flagpoles are all allowed to go 10 feet above the height limit. There is no height limit for solar or other environmental equipment. Many new developments provide recreation and open space on the roofs, and such things as barbecue enclosures, rooftop decks, fireplaces, and weather-protected seating areas would also be allowed to exceed the height limit of the zone.
- **Amendments 8, 9, 10 and 11 – SMC 20.50.120, 20.50.220, and 20.50.230.** Mr. Szafran explained that these amendments all have to do with the development of single-family attached or townhomes in the MUR-45' zone. When the original MUR development standards were drafted, the MUR-45' zone was included in the commercial design section. Staff spent the last year reviewing development proposals for townhomes in the MUR-45' zone and found that strict application of the commercial design standards does not make sense, since they were intended to regulate large apartment, mixed use and commercial developments (Aurora Square and Aurora Village). The proposed amendments would provide an exception that when townhomes are developed in the MUR-45' it points the reader back to the single-family attached residential design standards, which is the code section that really speaks to the townhome product.
- **Amendment 12 (SMC 20.50.240).** Mr. Szafran said this amendment seeks to limit access points on 5th Avenue NE between 145th and 148th Streets as redevelopment occurs. This portion of 5th Avenue NE will have a number of limitations and issues that will become present when the light rail station is open. Staff is recommending that the language mirror what was done for 185th Street, which would require developers to take access from a side street or alley whenever possible. If there is no other option for access, applicants can propose a driveway on 5th Avenue NE via the administrative design review process. Vice Chair Montero clarified that Amendment 12 would encourage developers to provide ingress and egress through 6th Avenue rather than 5th Avenue. Mr. Szafran agreed that is the intent, if possible.

Mr. Szafran summarized his presentation by inviting feedback from the Commission and public. He noted that the Commission will continue its discussion at future meetings. The intent is to present the 145th Street Station Subarea Plan and the proposed Development Code amendments to the City Council as one package.

Public Comment

Janet Way, Shoreline, said she was representing the Shoreline Preservation Society. She reviewed that the CARUP concept was first presented in 2000 or 2001 when the Aegis Development was being proposed. She recalled that Ms. Saheki previously provided photographs to illustrate that Peverely Pond completely disappeared as a result of the Aegis Development, which was approved via a CARUP. This is an example of the citizens' concerns and why they are requesting to preserve the R-6 zoning. The City must be very careful about encouraging requests for CARUP. Instead, the City's goal should be to preserve the R-6 areas as they are currently developed. The existing homes represent a reasonable use for the properties. She urged the City to be very cautious when imposing the MUR-35' and MUR-45'

standards on any of the critical areas, including the steep slopes that surround Paramount Park. These areas are all very vulnerable.

Ms. Way referred back to her earlier comments about utilizing trees that are cut from the site to accommodate the station development. This large, woody debris is very important in the natural areas. Codifying the requirement would be very helpful. She recalled that when she served on the City Council, provisions were put in place to allow snags to remain and become wildlife habitat.

Ms. Way asked the Commission to consider code language that would encourage houses to be moved rather than demolished when development occurs. Demolishing houses and throwing the materials into landfills is one of the worst thing you can do for the carbon footprint. She noted that her current home was moved to its existing site when the freeway was built in the 1960s.

Tom Poitras, Shoreline, voiced concern about Amendment 2, which would establish a minimum density mechanism for determining what can be built. The example provided by Mr. Szafran was very attractive, but he has also seen examples where people have simply built another house in the backyard. In some cases, they are only four or five feet from the original home, and many of them are very ugly. He said he is also concerned that people will sell off a portion of their lot to make the property next door more desirable. This can result in property owners being taken advantage of, and the remaining property can become useless. He asked if someone with a 7,200 square foot lot would be allowed sell 3,600 square feet to a neighboring property owner.

Mr. Poitras recalled that some very bad things happened when Shoreline first incorporated, and people got quite upset. The Planning Department was not ready right away, and some bad decisions were made. The 7,200 square foot lot size was selected as the minimum lot size to help remedy some of these bad decisions. While there are good examples, not all of them will look nice. He asked what controls would be in place to make sure that development does not spiral out of control.

Dia Dryer, Shoreline, said it is apparent that, because the minimum density is injected into three separate amendments, someone is clearly trying to push the item through in any way possible. She questioned who discussed what, with whom, and why. It is redundant, confusing and contradictory in many cases. Will the City be allowing or imposing? Ms. Dryer referred to Attachment A of the Staff Report to point out her concern: She explained that Amendment 2 calls for a minimum density of 12-units per acre in the MUR-35 zone, and the Staff Report states that this amendment would give property owners and designers more options for housing choice within the MUR zones. As per Amendment 3, single-family detached dwellings that do not meet the minimum density would be permitted in the MUR-35' zone subject to the R-6 development standards. Amendment 4 would allow single-family detached types in MUR-35' without limiting the development to R-6 standards. The Staff Report indicates that recent development proposals helped shape the amendments. She voiced her opinion that developers support limited density zoning because it spoon-feeds them. This was acknowledged by the City Council and the Planning Commission over a year ago.

Ms. Dryer said the Staff report also states that the proposed minimum density requirement would give property owners and designers more options. She expressed her belief that minimum density has nothing to do with giving property owners and designers more options. The definition for "imposing" is to force

something unwelcome to be accepted or put in place. The definition for “restriction” is the limitation or control over someone or something. “Option” is defined as a thing that may be chosen. To state that an imposition or restriction correlates to more options is an oxymoron.

Mr. Szafran provided an example on the screen and explained that, as currently written, the code would allow attached townhomes to be constructed in the MUR-35’ zone, but detached townhomes would not be allowed. The proposed amendment would allow detached townhomes, as well.

Director Markle clarified that the minimum density provision is intended to prevent situations of having two single-family homes as opposed to one, single-family home, which would still be allowed under the R-6 standards. The Council’s original goal was to have the zones develop more as townhomes and/or row houses and also allow for single-family development if it adheres to the R-6 standards so that the existing single-family homes are not replaced with large, multi-million dollar homes.

DIRECTOR’S REPORT

Director Markle reported that the City Council approved the Planning Commission’s recommendation of a Hybrid Compact Community Alternative for the 145th Street Station Area to be studied as a fourth alternative for the subarea. They did not select a preferred alternative. They also indicated a desire to study phasing for all four alternatives (Compact Community, Connecting Corridor, and Hybrid Compact Community).

UNFINISHED BUSINESS

Commissioner Maul referred to an email from Eric Eckstrom (included in the Commission’s Desk Packet), asking that the Commission consider a code amendment relative to the binding site plan process. Mr. Cohen said staff received the request just prior to the meeting, and they are not prepared to discuss the issue with the Commission at this time. Mr. Szafran said there will be multiple opportunities to include this topic in future Development Code discussions.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports and/or announcements.

AGENDA FOR NEXT MEETING

Mr. Szafran said the Commission would continue its discussion relative to the Development Code amendments on May 19th.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Easton Craft
Chair Pro Tem, Planning Commission

Lisa Basher
Clerk, Planning Commission