PLANNING COMMISSION
REGULAR MEETING
AGENDA - REVISED

Thursday, September 15, 2016
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave North

		Estimated Time
1.	**CALL TO ORDER**	7:00
2.	**ROLL CALL**	7:05
3.	**APPROVAL OF AGENDA**	7:07
4.	**APPROVAL OF MINUTES**	7:08

a. August 4, 2016 Meeting Minutes
b. August 18, 2016 Meeting Minutes
c. August 22, 2016 Meeting Minutes

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

5.	**GENERAL PUBLIC COMMENT**	7:10
5.5	**CITY MANAGER UPDATE ON LEVY LID LIFT BALLOT MEASURE**	7:15
6.	**STUDY ITEMS**	7:30

a. Transitional Encampment Development Code Amendments
- Staff Presentation
- Public Comment

b. 2016 Batch of Development Code Amendments
- Staff Presentation
- Public Comment

7.	**DIRECTOR'S REPORT**	8:45
8.	**UNFINISHED BUSINESS**	8:50
9.	**NEW BUSINESS**	8:55
10.	**REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**	8:57
11.	**AGENDA FOR September 29, 2016** a. Planning Commission Retreat	8:59
12.	**ADJOURNMENT**	9:00

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

August 4, 2016 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Malek
Commissioner Mork
Commissioner Moss-Thomas

Staff Present
Paul Cohen, Planning Manager, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Miranda Redinger, Senior Planner, Planning & Community Development
Julie Ainsworth Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

Commissioners Absent
Commissioner Maul

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, Malek, Mork and Moss-Thomas. Commissioner Maul was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

Approval of the draft July 21, 2016 minutes was postponed to the next meeting.

GENERAL PUBLIC COMMENT

Steve Walker, Shoreline, said he recently spoke to the developer of nearby property and learned that a number of mature trees would have to be removed to accommodate the sidewalk and other public

amenities within the right-of-way. He suggested that a number of these mature trees could be saved if the City allowed sidewalks to be curved. This seems like a simple idea that would not cost the City. Mature trees are very valuable to him right now because he won't be around to see the small trees grow to a mature height. He moved to Shoreline 16 years ago because of its gorgeous foliage. Mr. Cohen agreed to discuss the issue further with Mr. Walker.

STUDY ITEM: 145th STREET STATION SUBAREA PLAN PLANNED ACTION ORDINANCE (PAO)

Staff Presentation

Ms. Redinger advised that this is the last of a series of study sessions related to the various components of the 145th Street Station Subarea Plan (SSSP). The next step will be an August 18th public hearing on the following three ordinances:

- Ordinance 750 adopts the 145th Street Subarea Plan and amends the Comprehensive Plan and Land Use Map.
- Ordinance 751 amends the Unified Development Code, Shoreline Municipal Code (SMC) Title 20 and Official Zoning Map to Implement the 145th SSSP.
- Ordinance 752 adopts the Planned Action for the 145th SSSP pursuant to the State Environmental Policy Act (SEPA).

Ms. Redinger reviewed that the Commission has discussed the development codes and zoning maps on multiple occasions in May, June and July, and there will be an opportunity for additional discussion later in the meeting. However, the 145th SSSP Planned Action (Ordinance 752) will be the main topic of the study session. She referred to the draft PAO, which was attached to the Staff Report and posted on the City's webpage (www.shorelinewa.gov/145FEIS), along with the other ordinances, exhibits, subarea plan, and Final Environmental Impact Statement (FEIS). She advised that the PAO (Ordinance 752) also includes the following:

- Exhibit A is a list of mitigation measures that specifically apply to Phase 1 of the Compact Community Hybrid Scenario.
- Exhibit B is a list of Development Code regulations.
- Exhibit C is a draft PAO Boundary Map.

Ms. Redinger further reviewed that the draft ordinances and exhibits assume the boundaries identified in the Compact Community Hybrid Scenario (Alternative 4), which is the last recommendation that was made by the Planning Commission for a preferred alternative. When the City Council selected the 4th alternative for study (Compact Community Hybrid), they did not select a preferred alternative. Alternative 4 is being used as a placeholder, but it can be amended via a recommendation by the Planning Commission and/or City Council action. For the PAO, the Planned Action Boundary Maps specifically shows Phase 1 of the Compact Community Hybrid model.

Ms. Redinger displayed a map of the Compact Community Hybrid alternative. The area outlined in yellow identifies the Phase 1 boundary of the subarea plan. She explained that the City Council chose to

study the same phasing boundary for all three of the action alternatives (Connecting Corridors, Compact Community, and Compact Community Hybrid). Staff looked at the impacts of growth within those boundaries and developed a specific set of mitigation measures as part of the FEIS process. This set of impacts and mitigation measures correlate roughly with the 20-year timeframe that is more common for a PAO. She emphasized that the Planned Action Boundary Map outlines the areas that could be rezoned under Phase 1 of the Compact Community Hybrid Scenario. If a different zoning scenario is adopted, the map would be amended to match, as would the Comprehensive Plan Future Land Use Map.

Ms. Redinger reviewed the following questions that have come up throughout the process:

- **Why adopt a PAO?** A PAO is a cumulative analysis of project-specific impacts to the system. Potential impacts are defined by applying a growth rate based on 20-year and build-out scenarios. A PAO allows for a macro look in addition to the micro analysis that will occur later.
- **Why use a PAO instead of an overlay?** PAO's and overlays are two very different planning tools. The PAO is a cumulative look and identification of system level impacts and necessary mitigations over time. Overlays provide additional regulations on top of the already existing zoning based on certain criteria. With all of the critical areas (lakes, streams and landslide hazard areas) present within the subarea, the Critical Areas Ordinance (CAO) will function as an overlay on top of the zoning to require additional regulations regardless of the underlying zoning. Therefore, staff is not recommending an overlay approach for the 145th SSSP.
- **How does the PAO correspond to the 20-year timeframe?** This question was addressed earlier.
- **Why does the PAO only include Phase 1?** Mitigation measures have been identified via the FEIS for phasing with a 17-year time frame, as well as a larger 20-year timeframe and build out. Phase 1 is a more common timeframe of 20 years, plus additional mitigations identified in the FEIS.

Staff reviewed the following Development Amendments that were discussed at the previous meeting, but needed additional clarification.

- **Amendment 1 – Critical Areas Reasonable Use Permit (SMC 20.30.336).** Mr. Szafran explained that, as currently written, if a development proposal is located in an MUR-35' zone and the parcels do contain a critical area or a buffer, then reasonable use would be based on the allowable uses and standards for the R-6 zone.

- **Amendment 3 – Single Family Residential Detached in the MUR-35' and MUR-45' Zones.** Mr. Szafran said this amendment would allow single-family detached dwelling units in the MUR-35' and MUR-45' zones. The indexed criteria would allow one home to be built in the Mur-35' zone based on R-6 zoning standards or multiple homes based on the MUR-35' standards. If a property owner wants to develop more than one home on the parcel, staff is still recommending that there be a minimum density requirement in place. The minimum density would allow more of a "small house" product and guard against "mega-homes."

- **Amendment 5 –** Mr. Cohen said the intent of the amendment, which was initiated by the City Council, was to provide full MUR-70' development by establishing a minimum lot size. The current proposal is 20,000 square feet. He clarified that the amendment would not require a developer to build to the full potential of the MUR-70' zone. The density would be dictated by the development market rather than the lot size. He acknowledged that, based on the current market, it is not likely that the properties would be developed to their full potential in the near term. The intent of the minimum density requirement is to anticipate the type of development that might occur in the future and establish appropriate regulations. Staff has received inquiries from owners who want to develop property that is less than 20,000 square feet, and the proposed amendment would not allow this to occur. While a minimum lot size could help prevent the creation of a lot of small, isolated parcels that cannot be redeveloped to their full potential, there is no way to know how much impact it will have. If the Commission still has reservations about the amendment, they could recommend support of full MUR-70' development but that the City Council should explore with staff more effective techniques and actions to achieve the goal.

  Council Member Malek said he does not believe that requiring developers to consolidate lots would be a huge hurdle for redevelopment. However, he questioned if the intent is to control the dimensions or look of future development. Mr. Cohen said there is currently development proposed on a 10,000 square foot lot. While they are building to full potential in terms of size, the parking requirements limit the development to about half the density allowed in the zone. He recalled that staff provided examples of a number of developments in the City that were fully developed at 50 or 60 feet, and the smallest lot size was about 20,000 square feet. However, he acknowledged that 20,000 square feet may not fit every lot configuration, and staff is not confident as to whether the provision would promote or hinder future development.

  Commissioner Moss-Thomas clarified that developers have already approached the City to express interest in developing lots within the MUR-70' zone that are less than 20,000 square feet in size. If the proposed amendment is adopted, these developers would have to comply with the minimum lot size requirement. Mr. Szafran answered affirmatively and clarified that the provision would apply in both the 145th and 185th Street Station Subareas. Commissioner Moss-Thomas summarized that property owners in the MUR-70' zone could sell their properties as existing single-family uses, but redeveloping the properties would require that owners negotiate and consolidate properties. Mr. Cohen reminded the Commission that there is also a minimum density of 48 units per acre, which is about half of the density that could be developed in the MUR-70' zone.

- **Amendment 8 – Minimum Density Calculation (SMC 20.50.020).** Mr. Szafran recalled that, at their last meeting, there was some confusion about whether minimum density numbers would be rounded up or down. Commissioner Moss-Thomas explained that rounding the number up would be a small incremental opportunity to increase density.

Ms. Redinger concluded that the goal is to publish the packet for the August 18th hearing on August 5th, including any amendments the Commission makes during their final study session. Study sessions with the City Council are scheduled for September 12th and 26th. The Council could potentially adopt the three ordinances as early as September 26th, but it may take longer. If the Commission needs more time

to complete the public hearing and formulate their recommendation to the City Council, the schedule would have to be adjusted accordingly.

Public Comment

Wendy DiPeso, Shoreline, said she was present to represent the Shoreline Preservation Society. She asked that the Commission accept her comments as part of the official public record and she requested status as party of record with legal standing on the matter of the proposed PAO for the 145th SSSP. She recalled that the Society has established legal standing previously on matters pertaining to the 185th SSSP and PAO and are also members of longstanding interest in the community and with the Thornton Creek Watershed. She said the Society continues to have the following serious concerns on the impacts that the PAO will have to the environment and the rights of citizens:

- In general, the Southeast Neighborhood Subarea Plan (SNSP) is intended to preserve the single-family character of the neighborhoods. It speaks of using small lots and infill development to preserve and enhance affordable housing. While the resolution prepared by the staff (Attachment A) states that the designation of the 145th Street Station Subarea PAO is consistent with the goals and policies of the City's Comprehensive Plan, the Society believes that is inconsistent because it ignores the SNSP requirement to maintain single-family dwellings in the overlap areas.
- The FEIS has not fully satisfied the need for adequate information about environmental impact. Specifically, the inaccurate, incomplete assessment by OTAK does not use best available science (BAS) with regard to the wetland in Paramount Park. A delineation needs to be done, and it could also be recommended as an another added benefit to have a biologist do sampling of the biodiversity in the wetland and open water bodies to establish a baseline of ecosystem health to measure against for future development and required mitigations. Without a baseline, no developer can be required to do any mitigation. When City staff undertakes a project level review, the public must be notified to review and comment at that time in order to comply with SEPA and the Growth Management Act (GMA).
- The area being considered for the PAO is within the headwaters of Thornton Creek, the largest watershed in Shoreline and Seattle. It is habitat to five species of salmonids. Page 4 of the Staff Report makes a statement about critical areas but neglects to mention critical area buffers that are needed for wetland health. The assertion that subsequent development will have better stormwater standards will not make up for the increased hard surface and destruction of green space and trees on existing single-family lots. The loss of habitat and impervious surfaces will be a net loss for the watershed.
- The Ridgecrest and Parkwood Neighborhoods are not blighted as suggested in the comparison provided in the Staff Report. They are well functioning and provide excellent affordable housing. The Staff Report also compares other areas with PAO's that are industrial zones or otherwise blighted.
- There is inadequate road network and other infrastructure analysis to support the massive impact. The existing roadways are not designed for the increase in density and traffic that will surely accompany it. The SNSP specifies that the areas east of 8th NE should remain R-6.

- The Society continues to be concerned that the City is creating policies that will convert and destroy existing affordable housing into larger, denser housing with fewer affordable homes. This will mainly help developers avoid taxes.
- The PAO does not provide sufficient detail on how local infrastructure will be paid for. There also seems to be little or no provision for the impacts and disruption to the neighborhood associated with the traffic and noise created by construction of new infrastructure.
- According to the resolution adopted by the City Council, the Green Network would only be implemented in the long term and in conjunction with development. Any benefits touted to the community previously would not be seen for many years in the future. In the meantime, the community will have to suffer the impacts of development now.

Ms. DiPeso summarized that the Society believes the PAO is in conflict with the Comprehensive Plan, GMA, SEPA and the SNSP. The mitigations suggested are inadequate. The Society also asserts that destruction of viable neighborhoods is a violation of the trust citizens have in their local governments. The Society asks that the City reconsider and correct the proposal to be based more on logic, reason, good science, and fairness to existing residents and taxpayers.

David Lange, Shoreline, referred to a statement in the Staff Report that "*it is important to remember that the use of a PAO does not prohibit comment from the community."* He agreed that is correct if the PAO is done correctly. However, the way the City is implementing the PAO, citizens will not be allowed to comment at the project level where it will count. The Staff Report also states that, "*assuming the proposed development is under the thresholds established in the PAO, the City will approve a project as a Planned Action and issue the determination of consistency. Those who disagree with the determination may appeal as it is provided in the SMC for Type A Land Use Decisions."* He expressed concern that, as proposed, citizens would be excluded from participating in a project level review. Only the City staff would do a project level review, absent of information from the community.

Mr. Lange said the City has also failed to clearly spell out in lay terms what the appeal process would actually entail. The information is not easily accessed unless the reader is already familiar with the City's website, knows where to look for the SMC, understands how the SMC is organized, and understands the terminology used. Further, Type A Land Use Decisions are made by the director and are final. Projects that require a SEPA Threshold Determination would be subject to public notice, and the reader is then referred to the schedule for Type B Land Use Decisions. However, the document in the packet says that the public can only appeal those decisions as provided in the SMC for Type A Land Use Decisions. Absent clarification, the process is still pretty opaque to the average citizen.

Dan Jacoby, Shoreline, voiced concern about staff's justification for using a PAO rather than an overlay for the 145th SSSP. He agreed that the purpose of a PAO is to streamline the permitting process, which saves the City money because all they have to do is check off some boxes rather than the review. However, staff left out some important information. In 2012, the legislature amended SEPA to allow cities to preplan for development, and included in Revised Code of Washington (RCW) 43.21.C.440.1.b, is an express requirement that any future planned action development project had its project level significant impacts adequately addressed in the earlier EIS for the subarea plan or in the Comprehensive Plan. Paragraph C further provided that a city's procedures for adoption of an ordinance authorizing planned actions include findings that future projects had their project level significant impacts addressed

already. Also, the Washington Real Property Desk Book, Volume 5, Land Use Planning, Chapter 14.31.d, states that the legislature required that the use of this early planned action designation contain sufficient environmental analysis of project level impacts to take the place of any normal project environmental review. This process replaces the usual SEPA process, where permit applications are subject to review, environmental determinations and possible appeals. The legislature recognized that the PAO can be misused to keep the public out of the process if project level EIS and facilities planning is not required. However, the legislature also provided extra flexibility that allows jurisdictions to defer project level review until the time that there's an actual project proposed. To do that, cities must meet SEPA requirements to specify what impacts are to be deferred, how they would be addressed, and provide for the opportunity for public notice and citizen comment and appeal. All this and more has been written up, but it has never been litigated in court.

Mr. Jacoby summarized that the effect of adopting a PAO without meeting all of the SEPA requirements denies the rights of citizens to have input on project level impacts and mitigations. Shunting the review off to City staff still keeps citizens out of the loop. The Shoreline community believes in citizen involvement and information. It is important to let the public know what is going on and give them a chance to be a part of the process. He asked the Commission to recommend that an opportunity for project level public review be added to the proposal that is sent to the Council for adoption.

Yoshiko Saheki, Shoreline, recalled the idea she proposed at the July 7th meeting, which is to delay nonconforming status of existing R-6 homes in the MUR-45' and up zones until 10 years after the station opens. She reviewed that in the MUR-35' zone, current single-family homes would remain conforming and new single-family homes could be constructed to R-6 standards. While she is not asking for the same provision for the other MUR zones, she is asking that existing homes not become nonconforming immediately upon adoption of the subarea plan. She cautioned that people are putting off home remodeling projects because they are in the "wait and see" mode. If the homes remain conforming until 2033, people will be willing to invest in their homes and neighborhoods will remain vibrant. If the homes become nonconforming immediately after adoption of the subarea plan, people will not invest in their homes. At the same time, if developers do not make offers that are acceptable to homeowners, the rezoning will not achieve anything in time for light rail except blight.

Ms. Saheki said she is aware that the City has won awards for subarea planning, but she noted that the awards have not come from anyone living in the subareas. In fact, the upzone has been overwhelming unpopular amongst residents. Retaining R-6 as conforming in zones that are MUR-45' and up would lessen the impact to residents. She recognized that the subarea plan is about the future, but she asked them to give some consideration to the current residents and not focus their entire attention upon the future.

Jeff Eisenbrey, Shoreline, reviewed that residents and members of the Shoreline Preservation Society have accused the City's Planning Department of misuse of the PAO to curtail project level review by citizens. The question remains, why does the City not use a zoning overlay, which would allow for greater scrutiny of planning decisions. In response, the Planning Department has cited several other municipalities' use of the PAO, but his review indicates significant fundamental differences in the nature of the plans relative to Shoreline's use. He referred to the projects on the list and explained how they are vastly different in both scale and intent as follows:

- The project in Mill Creek on a 13.2-acre site is not comparable to the area designated as part of the subarea plan. Unlike the currently proposed PAO, the Mill Creek PAO quantified all mitigation measures for parks, schools, fire district, stormwater, traffic, parking, buffers, setbacks, utilities, trail access and on-site pedestrian and traffic flow.
- The Bothell Downtown Revitalization and Traffic Corridor Improvements encompass parcels already zoned for commercial and public use, and the process took 16 years to reach final adoption.
- The green field development at Badger Mountain in Richland turned farmland and scrubland into a planned community.
- Covington's Hawk Project occurred on a 212-acre lot, and the EIS that was done in 2013 contains 153 pages devoted to quantifying every imaginable mitigation, including but not limited to parks, schools, fire districts, stormwater, traffic, buffers, setbacks and utilities.
- The Kent Downtown Subarea Plan received a great deal of public push back because the PAO included a residential area. The City of Kent has been accused of inappropriate application of the PAO to limit public review of project level developments. Otherwise, the property has all been previously zoned as urban and the goal is to increase economic activity within the zone.
- Tacoma's North Downtown Subarea Plan is massive and the intent is to preserve the character of the existing neighborhood while increasing economic activity. It describes different character zones they are concerned about maintaining while they increase housing and business opportunities.
- The Sedro Wooley Center for Innovation and Technology was developed in 2015 on a single property that was formerly developed as an industrial site.

Mr. Eisenbrey summarized his belief that the City staff has misrepresented how a PAO is applied by other municipalities. Whether or not this has been done intentionally is a matter of grave concern. The use of a PAO to radically upzone a residential neighborhood on such a scale as what is being attempted in Shoreline is an outrageous violation of the intent of the law that established the tool. By the City's own evidence, it is more appropriately utilized for single properties, green field to brown field developments, and in intensively-analyzed and minutely-planned urban redeveloped scenarios that do not involve the destruction of existing, highly-functional residential neighborhoods. He said that in all of his research he has yet to find any remotely comparable upzoning fantasy in North America or Europe. The only logical conclusion to be drawn from the City staff's hasty and inadequate work is that they intended to forestall citizen review in pursuit of a recklessly ambitious goal. This violates the residents' trust in their government by the intended degradation of the neighborhoods they love.

Commission and Staff Discussion

Ms. Redinger explained that the SNSP is the result of the work of a Citizens Advisory Committee (CAC) that met over a period of two years. It was adopted by the City Council in 2010 and its primary purpose was to provide Comprehensive Plan Land Use Designations for an area that did not have them. It was previously designated as a Special Study Area. Prior to its adoption, the SNSP boundaries were extended to 8th Avenue NE on the west side of Paramount Park. During the process, the CAC had significant debate and came up with policies that also matched the policies in the Comprehensive Plan.

Specifically, it included policies and direction on how to accommodate growth, but also preserve neighborhood character. At the time, and based on the purpose of the plan, there was a lot of discussion about appropriate infill development, which included town homes, small homes on small lots, etc. Some areas were rezoned to higher density, primarily near Bothell Way at the far southeast corner of the City. Because there is some overlap between 8th Avenue NE and 15th Avenue NE and 155th Street and 145th Street, the area would be subject to both subarea plans.

Mr. Szafran pointed out that the City Council placed an amendment on the docket of Comprehensive Plan amendments to change the boundaries of the SNSP, and a final decision will be made by the end of December. Ms. Redinger explained that the intent of the docketed amendment is to change the boundaries of the SNSP to zip against the boundaries of the 145th SSSP. If the 145th SSSP is adopted prior to adoption of the boundary changes for the SNSP, there would be two Comprehensive Plan Land Use Designations for the same area on the Land Use Map. The docketed amendment would prevent this inconsistency.

Ms. Redinger said there are a lot of complimentary policies between the two subarea plans. For example, policies relating to Paramount Park, Paramount Open Space and 15th Avenue were included in the 145th SSSP to address such things as the trail through Paramount Open Space, improvements along 15th Avenue to make it a gateway, etc. The remainder of the area would remain as adopted in the SNSP.

Commissioner Mork asked if the light rail station was included as part of the SNSP. Ms. Redinger reviewed that when the SNSP CAC started its work in 2008, there was some indication that Sound Transit may put a station at 145th Street. However, the process for determining the exact alignment and preferred alternative took several years. The SNSP makes a reference to the fact that there could be a station at 145th Street, but that was the only level of planning done at the time.

Commissioner Moss-Thomas referred to the map contained in Attachment A of Exhibit C and asked if all of the residentially-zoned properties east of 8th Avenue NE would remain under the standards called out in the SNSP. Ms. Redinger answered that if the City Council amends the boundaries for the SNSP as proposed, there would be no overlap. Even if the City Council adopts phased zoning as proposed on the map, most of the residential parcels east of 8th Avenue would not be eligible to use the MUR zoning criteria until 2023. If the Council does not adopt phased zoning, the new zoning would be in place, but the properties would not be subject to the PAO and individual developments would have to apply for a separate SEPA review if they are above the threshold. Assistant City Attorney Ainsworth-Taylor clarified that the City Council will be asked to take two actions. First is adoption of the 145th Street Station Subarea Boundary and then the designation of area covered by the PAO will be a subset of the subarea plan. It is only within that area that the PAO operates, and other areas of the subarea will have the MUR zoning, but development proposals will be subject to SEPA review if they meet the threshold. The Critical Areas Ordinance (CAO) applies across the City, regardless of where the property is located and what it is zoned.

Assistant City Attorney Ainsworth-Taylor explained that the SNSP is a component of the Comprehensive Plan. It sets goals and policies for areas, but it does not regulate individual land use in and of itself. That is done via the zoning regulations in the Development Code.

Commissioner Chang said one of the main concerns is the potential lack of public comment on projects that come in under the PAO. She asked staff to talk more about the SEPA thresholds. Mr. Szafran explained that if there were no PAO for the area and the City relied strictly on the SEPA thresholds established in the Development Code (60 multi-family units, 30 single-family homes, 30,000 square feet of commercial), no public notice would be required for projects that come in under the thresholds. For example, a 50-unit apartment next to the station would not require SEPA review, nor would 25 row-homes that line the street.

Commissioner Moss-Thomas clarified that applicants are only required to complete the SEPA Checklist if the project exceeds the threshold. Mr. Szafran said the checklist is a 22-page questionnaire that applicants must complete to analyze the environmental impacts of a project, but it is only required if the project exceeds the threshold. Commissioner Moss-Thomas asked if a full SEPA review would be required if an applicant cannot satisfy all of the expectations of the SEPA Checklist. Assistant City Attorney Ainsworth Taylor explained that the purpose of the SEPA Checklist is to test for the threshold of adverse impacts to determine if they are significant. Based on the checklist, staff will issue a Determination of Non-Significance; a Determination of Significance, which would trigger the preparation of an EIS; or a Mitigated Determination of Non-Significance, which would require mitigation to drop the project below the threshold for EIS analysis. The City's code does have a notice provision for threshold determinations.

Mr. Szafran added that the PAO looks at the cumulative impacts of the entire area and lists mitigation requirements that must be met by all projects within that geographic area, including smaller projects that are not subject to SEPA. The risk of not doing a PAO is that you could have hundreds of little projects that never rise to have any mitigation requirements. The PAO would subject all projects to all the listed mitigations. Assistant City Attorney Ainsworth Taylor clarified that projects within the PAO boundary would only be subject to the mitigation of the ordinance if seeking to be called a Planned Action. Developers can choose not to select Planned Action coverage if the project falls under a certain threshold. The reason for making the PAO boundary smaller than the Subarea Plan boundary is to exclude the smaller zoning areas that would not want to qualify as a Planned Action. Ms. Redinger clarified that there is consistency between how the PAO boundaries were applied in both the 185th and 145th SSSP's.

Commissioner Chang clarified that development on properties within the subarea that are not within the PAO boundary are not likely to meet the SEPA threshold. She asked if staff would expect that development in the MUR-45' zone that is also within the PAO Boundary would tend to meet SEPA thresholds. Ms. Redinger said it would depend on how many parcels are aggregated. Redevelopment of a single parcel in the MUR-45' zone would probably not meet the SEPA threshold, but development of aggregated parcels may.

Given the sensitivity around making sure that development adheres to certain criteria, Chair Craft suggested they enhance the PAO to encompass all development within the area, whether it meets the SEPA threshold or not. Assistant City Attorney Ainsworth Taylor explained that, under the SEPA statute, certain things are categorically exempted by the State Legislature, and the City has no authority to amend the standards. The City has the authority to adopt level of thresholds that set up to their standards, but they can't go above those thresholds.

Commissioner Mork recalled that, at the last meeting, the Commission talked about the appropriate type of zoning for properties that surround the parks: MUR-35' versus R-6. They requested that staff provide an overlay to illustrate where the critical areas are located. There was a lot of public comment that suggested it was questionable for the City to call something MUR-35' if there is already an amendment that would make it R-6 if there is a critical area on the property. As requested by the Commission, Ms. Redinger shared a map that overlaid the boundaries of wetlands and streams and their buffers based on the newly updated CAO, as well as the new delineation that was completed for Twin Ponds Park. The intent was to illustrate the properties that would likely be impacted. As suggested by Commissioner Mork, properties that are shown on the layer as having critical areas and/or buffers would be designated as R-6 on the Compact Communities Hybrid Map, and parcels that are not shown on the layer as being impacted by critical areas and/or buffers would be zoned MUR-35'. Commissioner Mork voiced concern about equity and creating an exclusive area around the parks that is only R-6 and will be heavily favored for expensive homes. Making it MUR-35' would accommodate single-family homes, as well as other housing types. Her thinking is that when there is a strong indication that a property is within the critical area and/or buffer, the property should be zoned R-6. MUR-35' zoning would be appropriate for properties where there is no indication of a critical area and/or buffer.

To address Commissioner Moss-Thomas' concern, Ms. Redinger explained that any project within the PAO boundary would be analyzed through the permit review process with regard to critical areas and the application of the critical areas regulations. Assistant City Attorney Ainsworth Taylor further clarified that Type A Land Use Decisions are administrative decisions that are appealable to the Superior Court.

Vice Chair Montero referred to a map of the SNSP and asked what was intended for the south end of Paramount Park. Ms. Redinger answered that idea was to have the City acquire the properties to expand the Paramount Park Open Space, but the properties have since been developed.

Commissioner Mork recalled that she also asked staff to clarify the minimum density concept and what would and would not be allowed as far as mega-homes. As per staff's presentation, a person with a parcel that is zoned MUR-35' could build one single-family home that covers up to 50% of the lot, two homes that cover up to 85% of the lot, or a certain number of multi-family structures. Mr. Szafran answered that would be the case if the Commission wants to allow detached single-family homes in the MUR-35' zone, without a provision for minimum density. She asked why the Commissioners are opposed to a minimum density requirement. Commissioner Moss-Thomas said the Commission did not come to a conclusion about whether minimum density was good or bad, but the subject has been part of the ongoing discussion. Staff has indicated support for a minimum density requirement. Commissioner Mork voiced support for more density and said she would support a minimum density requirement. While she would be in favor of allowing one single-family home per lot, based on the R-6 zoning standards, she would be opposed to allowing two homes on a single lot.

Chair Craft asked staff to respond to the comments that were made relative to the RCW with regard to project level review. From the information provided, it appears that a threshold or at least criteria for a project level review is necessary. While she does not have the language in front of her, Assistant City Attorney Ainsworth-Taylor acknowledged that there are various provisions in RCW 43.21.C.440 that

apply to project level review. The City is authorized to adopt a PAO when it has prepared an EIS for a subarea plan, which is what the City has done, and when the subarea plan addresses the impacts of the project. It sets mitigation measures, and the mitigation measures are subsumed into the PAO. She agreed to prepare a confidential legal memorandum on the full analysis of the SEPA provision.

Chair Craft suggested that staff revisit the issue of conforming versus nonconforming uses, particularly in the MUR-45' zone. Mr. Szafran said that, currently, new single-family, detached development would not be allowed in the MUR-45' zone. Ms. Redinger recalled that, while going through adoption of the 185th SSSP regulations, there was a lot of discussion about whether or not single-family detached should be allowed as a new use. The proposed language is clear that single-family detached uses would be allowed in the MUR-35' zone subject to the R-6 zoning standards. However, this clause would not apply to the MUR-45' zone. Based on the standard nonconforming code, existing homes in the MUR-45' zone could expand up to 10%, which many feel is too limiting. A new provision would allow existing single-family homes in the MUR-45' zone to expand up to 50% or 1,000 square feet, which is beyond the standard non-conforming code.

Chair Craft asked staff to explain the concept of defining existing single-family homes as nonconforming from the beginning versus defining them as conforming with some standards around what would and would not be allowed. Mr. Szafran explained that, based on the City's use table, single-family detached homes in the MUR-45' zone would be nonconforming because they would not meet the minimum density standards.

Chair Craft asked if it would be possible to allow single-family detached homes as conforming uses in MUR-45' zone subject to the same R-6 standards that would apply to the use in the MUR-35' zone. Ms. Redinger said the mechanism for doing this would be to apply the same clause that currently only applies to the MUR-35' zone. The use table would also have to be amended accordingly.

Commissioner Moss-Thomas asked if applying the R-6 standards would mean that a home could only expand up to 10%. Ms. Redinger explained that because the clause would make the use conforming, the 10% limitation would not apply. Allowing development at the R-6 standard would also eliminate the need for the provision that limits expansion to 50% or 1,000 square feet. Chair Craft summarized that by making single-family detached dwellings a permitted use in the MUR-45' zone, the use would be conforming but subject to all of the standards of the R-6 zone.

Commissioner Mork said Ms. Saheki specifically asked that the City delay making residential uses in the MUR-45' zone nonconforming until ten years after the subarea plan has been adopted. If the Commission recommends that single-family detached uses be permitted in the MUR-45' zone, could there be a specific end date for the provision? Chair Craft responded that establishing a sunset date would require a type of phased zoning. If that is the direction the Commission wants to go, they could ask staff to include it in the proposed language now. Another option would be to make an amendment at the public hearing.

Commissioner Mork asked staff to explain the ramifications of allowing single-family detached uses in the MUR-45' zone subject to a sunset clause. Mr. Szafran recalled that this same concept was considered by the City Council as part of their discussion of the 185th SSSP. He reviewed that the

MUR-45' and MUR-70' zones were established to encourage higher densities around the stations. The MUR-45' areas will likely develop first to create a mass of people near the stations. He questioned whether including the provision would be consistent with the vision, goals and policies of the subarea plan. Mr. Cohen briefly reviewed the thought process behind allowing single-family detached development in the MUR-35' zone. The MUR-35' zone is frequently located between Single Family Residential (SFR) and MUR-45'. The intent of the provision is to allow people who want to remain in their area to keep, maintain and improve their homes. The MUR-45' zones are adjacent to major arterials and MUR-70' zoning where significant change is anticipated. It is not intended that these areas will remain viable as single-family residential for a long period of time.

Chair Craft voiced his opinion that whether single family detached uses are conforming or nonconforming would not significantly impact whatever evolution will take place in the neighborhood. Mr. Cohen agreed but reminded the Commission that people are concerned that if their land use is considered nonconforming, it will depress the properties and discourage people from reinvesting in or expanding their homes. Chair Craft said he does not believe that allowing single-family detached homes to be conforming uses in the MUR-45' zone would be an unreasonable component. Market forces will prevail in terms of when and how the subarea is redeveloped, if at all.

Commissioner Mork requested further clarification of Amendment 5, which would establish a 20,000 minimum lot size in the MUR-70' zone. She voiced concern that the provision would only allow redevelopment to occur on lots that are at least 20,000 square feet. She asked if it would be reasonable to provide a process and/or exception that would allow large lots that are less than 20,000 to be redeveloped. Assistant City Attorney Ainsworth Taylor explained that it is not possible to develop a lot that is substandard in size. The variance process is used to address bulk and setback requirements, but not lot dimension requirements. Mr. Cohen explained that 10 criteria must be met in order to obtain a zoning variance, and one that is particularly hard to meet is "do you have a hardship on your property that keeps you from developing your lot?" The zoning variance approach is good for exceptional situations. But if the Commission thinks there is an overall problem, the best approach is to change the Development Code requirement. He expressed his belief that in the early years, a number of small residential properties will seek to redevelop. As the market builds, the demand will encourage developers to assemble large parcels of lots and build to their full potential. The minimum lot size requirement is intended to prime the City's vision and goal for the subarea. Staff is not recommending that the minimum lot size requirement for the MUR-70' zone be included at this time. If the Commission likes the intent of the provision, they could direct staff to study the concept further to address the issues and concerns that have been raised.

Commissioner Chang recalled that previous discussions about the minimum lot size requirement included a discussion about the minimum lot size needed in order to accommodate reasonable underground parking. Mr. Cohen said the proposed provision identifies a square foot minimum lot size, but the properties could vary in shape. For example, a property could be long and linear, preventing a second or third row of parking. The concept was suggested as a starting point, but staff is wary of adding more and more requirements to meet the threshold to build in the MUR-70' zone at this time. Staff believes it would be appropriate to study the concept more carefully.

Commissioner Moss-Thomas requested clarification of Table 20.50.020(2), which outlines the dimensional standards for the MUR zones. Specifically, she requested more information about the minimum front yard setback requirement. Ms. Redinger clarified that this provision would only come into play on 185th and 145th Streets. These two corridors are currently going through additional study, and the City does not yet know how much right-of-way may be required to expand the roadways. Both studies will need to be brought to a higher engineering level before the City will know the exact amount of right-of-way that will be needed. The standards identified in the table are intended to protect the right-of-way that may be needed for future expansion, but not require development to be set further back than necessary. The standards identify a range for the setbacks, which allows staff to review development proposals on a case-by-case basis. As the corridor studies progress to the design level, the setback requirements will be better defined and it may be determined that a smaller setback is needed.

While she understands the intent, Commissioner Moss-Thomas voiced concern that using the word "maximum" to identify a minimum setback standard is confusing. Mr. Cohen pointed out that Footnote 14 provides additional clarification, but Commissioner Moss-Thomas still felt the language was unclear.

DIRECTOR'S REPORT

Mr. Cohen did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Chair Craft announced that a public hearing on the 145th SSSP package is scheduled for August 18th.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

_____	_____
Easton Craft	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

August 18, 2016 Shoreline City Hall
7:00 P.M. Council Chamber

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

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

Others Present
John Evans, 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, Malek, Maul, Mork and Moss-Thomas.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

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

GENERAL PUBLIC COMMENT

Dia Dreyer, Shoreline, voiced concern that although the meeting was posted as a public hearing for the 145th Street Station Subarea Plan, the proposed amendments would also apply to the 185th Street Station Subareas. That means that only half of the impacted citizens have been informed that tonight's proposed changes would directly and significantly impact their neighborhoods so they can be part of the

public hearing. She commented that informing and interacting with the two areas separately, and then applying code as though they were both equally clearly informed and have been given the opportunity to be involved, appears to be a "divide and conquer" approach in order to muffle the voice of the citizens as a whole. She asked that the City be careful to inform the public more clearly.

Yoshiko Saheki, Shoreline, said she recently read on Facebook that the location of the 145th Street Station was shifting north of the Interstate 5 (I-5) on ramp and the on ramp, itself, would remain in its current location. She sent a letter of inquiry to Sound Transit and received the following response from John Evans, Light Rail Planning Manager:

> *"At the request of the City of Shoreline, Sound Transit is working with King County Metro, WSDOT, and Shoreline to refine the 145th Street Station design that would move the station approximately 400 feet north of the location in the project's preliminary design. This would provide the space needed primarily for expanded bus service facilities at the station now planned by King County Metro, along with the project's previously planned park-and-ride garage and passenger pick-up/drop-off space. We are still early in the process of developing the refined designs."*

Ms. Saheki asked what exactly caused the station to move and why expanding bus service would require the station to be moved. She also asked why the citizens have not been informed at previous meetings that the station location was about to change. Lastly, she said it seems that the public's knowledge about the relocation was pure happenstance, and she questioned when the City planned to notify the public. Chair Craft invited staff to share information regarding the potential relocation of the station as part of their presentation.

Robert McMurray, Shoreline, also raised concerns about the proposed relocation of the 145th Street Station. He asked why it was not recognized earlier in the process that the on ramp to I-5 would have to be changed to accommodate the station.

PUBLIC HEARING: 145TH STREET STATION SUBAREA PLAN PACKAGE (ORDINANCE NUMBERS 750, 751 AND 752)

Chair Craft advised that the public hearing is on the 145th Street Station Subarea Plan Package, which includes Ordinance 750 (adopting the Subarea Plan and amending the Comprehensive Plan Future Land Use Map, Ordinance 751 (amending the Development Code and Official Zoning Map), and Ordinance 752 (adopting the Planned Action Ordinance (PAO). He reviewed the rules and procedures for the hearing and then opened the hearing.

Staff Presentation

Ms. Redinger briefly reviewed the timeline for the 145th Street Subarea Plan process, which began in May of 2013 with a community workshop that was open to both the 145th and 185th Street Station Subareas. This was followed by a visioning phase that included a series of five workshops where citizens were invited to brainstorm high-level things they would like to see in the neighborhood. Following the visioning phase, there was a break in the schedule for the 145th Street Subarea Plan

waiting for Sound Transit to make a decision on the location of the 2nd station. In November of 2013, Sound Transit decided that the preferred station location would be at 145th, and planning for the 145th Street Station Subarea resumed in early 2014 with a series of design workshops. Part I of the design workshops provided an opportunity for more high-level, very specific brainstorming, and Part II introduced potential zoning scenarios and a number of illustrations. The next step was to begin the Draft Environmental Impact Analysis (DEIS), which was published in January of 2015. In March of 2015, the process took a break while the City's Transportation Department performed the 145th Street Corridor Study. The preferred concept for the City was adopted in April of 2016, and subarea planning began in earnest again. Prior to April, the Commission had some prerequisite discussions relative to the 145th Street Corridor Study, as well as a wetlands assessment and technical memorandums that were produced.

Ms. Redinger further reviewed that the Planning Commission sent a recommendation to the City Council in April relative to a preferred alternative (Compact Community Hybrid) to move forward with the Final Environmental Impact Statement (FEIS). On May 2nd, the City Council elected to not select a preferred alternative, but to move forward with the FEIS, studying the Compact Community Hybrid as a 4th Alternative, as well as the concept of phasing for all action alternatives (Connecting Corridors, Compact Community, and Compact Community Hybrid). More recently, the Commission has held a series of study sessions about the following elements of the Subarea Plan Package:

- Final Environmental Impact Statement (FEIS)
- 145th Street Station Subarea Plan
- Future Land Use Map of the Comprehensive Plan
- Development Regulations
- Zoning Map
- Planned Action Ordinance and Boundaries

Ms. Redinger explained that following the public hearing and the closing of their deliberations, the Commission will be asked to make a recommendation to the City Council. The City Council will discuss the Subarea Plan package on September 12th, and they could potentially adopt the three ordinances as early as September 26th. She emphasized that the map the Commission forwards to the City Council as part of its recommendation could be changed by the City Council.

Ms. Redinger reviewed that public participation occurred early in the process when it was a lot easier to talk about high-level concepts. The public outreach included visioning and design workshops, as well as a presence at Celebrate Shoreline and other neighborhood events. Articles about station subarea planning were published in *THE CURRENTS NEWSLETTER* every month for the past three years. There were also a number of mailings and additional community meetings.

Mr. Redinger reviewed the three ordinances as follows:

- **Ordinance 750, which adopts the 145th Street Station Subarea Plan and amends the Comprehensive Plan Future Land Use Map.** Ms. Redinger reviewed that Ordinance 750 was discussed by the Commission on July 21st when the Commission reviewed the seven chapters

contained in the draft Subarea Plan. The Subarea Plan includes a Vision Statement, which is based on a livable community model and includes policy language for land use, transportation, economic development, community design, and other elements that are covered in the Comprehensive Plan. It also includes conceptual illustrations that were shared previously, as well as the Future Land Use Map that ties each of the Mixed Use Residential (MUR) Zones to a specific Comprehensive Plan Designation. For example, MUR-70' correlates to Station Area 1 (SA1), MUR-45' to Station Area 2 (SA2), and MUR-35' to Station Area 3 (SA3).

Ms. Redinger explained that while a Comprehensive Plan Designation typically represents a range of potentially appropriate zoning, the designations for the Station Subarea zones was done differently. The intent is to make it more complicated to change the zoning in the future since it would require amending both the Comprehensive Plan Designation and the Zoning Designation.

- **Ordinance 751, which amends the Unified Development Code, Shoreline Municipal Code (SMC) Title 20, and the Official Zoning Map to implement the 145th Street Station Subarea.** Ms. Redinger reviewed that this ordinance adopts the Development Code Regulations and Zoning Map. As part of its recommendation to the City Council, the Commission could separate the Development Code Regulations for the 145th Street Station into a new Ordinance 756. Potential zoning scenarios were discussed by the Commission in 2015 (February 5th and 9th) and 2016 (March 17th, April 7th, and August 4th). They were also discussed by the City Council at several meetings that are detailed in the Staff Report.

  Ms. Redinger explained that the Compact Community Hybrid Map (Alternative 4) is being used as a placeholder in all of the documents and exhibits since that was the Commission's last recommendation for a preferred alternative zoning scenario. If the map is changed upon recommendation by the Commission or adoption by the City Council, the map and all other related maps, including the Comprehensive Plan Map and PAO Boundary Map, would be changed to reflect the zoning map.

  Ms. Redinger referred to Attachment D of the Staff Report, which outlines Commissioner Mork's proposed amendment to the zoning map. The Commission discussed the proposed change briefly at their last meeting. As per the amendment, the Compact Community Hybrid Map (Alternative 4) would be amended so that all parcels that are encumbered by a wetland, stream or buffer would remain Residential 6 (R-6). The other areas around Paramount Park and the properties north of the Paramount Open Space would be zoned MUR-35'.

  Mr. Szafran reviewed that the Commission has discussed the proposed amendments to the Development Code and Zoning Map at a number of meetings, including May 5th, June 2nd, July 21st and August 4th. He explained that the MUR zones were originally created during the adoption of the 185th Street Station Subarea Plan to shape and guide development to implement the Subarea Plan. The regulations that were adopted through the 185th Street Station Subarea Plan would also apply to the 145th Street Station Subarea Plan, including standards for MUR zones (height, setbacks, stepbacks), vehicular access from side streets, streetscape improvements and landscaping requirements, greater design standards, affordable housing and green building requirements.

Mr. Szafran reviewed that, as part of the 145th Street Station Subarea Plan process, staff presented a number of Development Code Amendments relative to Critical Areas Reasonable Use Permits (CARUP), station area uses, single-family detached uses in MUR-35' and MUR-45' zones, minimum density in the MUR-35' zone, minimum lot area in the MUR-70' zone, maximum setback on 145th and 185th Streets, additional height for rooftop amenities, minimum density calculations, townhouse design standards for the MUR-45' zone, site and frontage improvement thresholds for change of land use, and access to development from 5th Avenue NE.

Mr. Szafran recalled that, at their last meeting, the Planning Commission voiced concern that establishing a minimum lot size in the MUR-70' zone could be problematic for certain property owners. Although a minimum lot size requirement would provide enough lot area to build to full potential of the zone, it would be inflexible and would not guarantee development to the full potential. It could also result in less choice for property owners and create many remnant parcels that cannot be redeveloped. Staff is proposing a different approach that would establish a higher minimum density requirement of 80 dwelling units per acre in the MUR-70' zone. This would provide flexibility to property owners and ensure that density is clustered around the station. It would also encourage higher buildings with structured parking and a variety of building forms. However, the approach would still not ensure that properties are developed to full building potential. He provided several examples of recent and proposed development in the City that are at or exceed 80 units per acre.

Mr. Szafran reviewed that the Commission also voiced concern about staff's recommendation to establish a minimum density in the MUR-35' zone of 12 units per acre. In addition, there was a lot of discussion about staff's recommendation that minimum density calculations be rounded up rather than down.

- **Ordinance 752, which is the Planned Action Ordinance (PAC) for the 145th Street Station Subarea pursuant to the State Environmental Policy Act (SEPA).** Ms. Redinger advised that Ordinance 752 includes mitigation measures for Phase 1 of the Compact Community Hybrid Zoning Scenario (Exhibit A), Development Code Regulations (Exhibit B), and the PAO Boundary Map (Exhibit C) that was discussed by the Commission on August 4th. She reminded the Commission that the purpose of the PAO is to address cumulative impacts for a 20-year growth scenario, identify mitigations, track actual growth against projected growth, and provide for streamlined environmental review. She displayed the PAO Boundary Map that was discussed on August 4th, which includes just the Phase 1 boundary. Another alternative would be to have the PAO Boundary encompass the entire zoning area and then rely on the 20-year mitigations that were identified through the FEIS. She reminded them that the current ordinance has a sunset of 20 years from adoption. That means the ordinance would not apply to the entire build out, but just what is anticipated for the first 20 years. This could be the 20 years that was analyzed in the FEIS for the full build out scenario, or the roughly 17-year time frame that would apply to Phase 1 if phased zoning is used.

Ms. Redinger advised that, at the conclusion of the public hearing and Planning Commission recommendation, the City Council will conduct a study session on the entire Subarea Plan Package on September 12th, with potential adoption of the ordinances on September 26th. All ordinances and exhibits, as well as the FEIS, have been included on the City's website www.shorelinewa.gov/145FEIS.

Ms. Redinger referred to Ms. Saheki's questions about the footprint of the proposed station, and acknowledged that there has been a lot of community input regarding station location over the last several days. She emphasized that the station location and design is a Sound Transit process rather than a City process. However, Sound Transit is obligated to check in with the City and the entire community at various stages of the design process, and they are trying to schedule a public meeting in November to present initial design plans (roughly 30%). Additional open houses will be held at 60% and 90% design.

Ms. Redinger shared an aerial photograph illustrating the previously-proposed footprint. While it shows the actual location of the elevated station and some of the plaza, it does not show the other components that will be necessary. She explained that the initial plan was to move the on-ramp to I-5 from its current location to north of the station. However, as their work approached 30% design and Sound Transit started incorporating comments and concerns from other agencies and members of the community, the design evolved into a different footprint. She provided an aerial photograph illustrating the location of the proposed new station location. She noted that although the station would be moved north of the on-ramp, the on-ramp's location would not change.

Vice Chair Montero asked if the parking garage would remain in the same location as originally proposed. Ms. Redinger answered that it would also be moved north. She explained that, although the total footprint would only increase slightly, it would impact more single-family properties. The FEIS analyzed multiple station layouts, one of which is very similar to what is currently being proposed. The location change is relatively new information, and the intent was for Sound Transit to communicate with property owners before the change went public.

Chair Craft asked if the new proposed location would incorporate NE 148th Street. Ms. Redinger answered affirmatively and advised that NE 148th Street would provide for better pedestrian access and circulation. She explained that the City and many other agencies consider the evolving design to be better because it includes improved traffic flow and traffic safety on 5th Avenue NE; utilizes NE 148th Street for improved safety and operations; provides for better bus access and circulation and bus layover space; provides an opportunity to access and utilize open space south of the station; provides for expanded drop-off and pick-up facilities; extends pedestrian, bicycle and traffic improvements further north on 5th Avenue NE; and lessens construction impacts on City streets because the I-5 ramp would not have to be closed for as long, if at all.

John Evans, Sound Transit, said Sound Transit is working with partner agencies to determine the preferred options to best serve the community. He pointed out that the drawings are very rough and do not show the extent of the station. For example, the previous footprint actually extended to the north, which would require additional property acquisition that is now shown on the map. He emphasized that the evolving footprint may require the acquisition of an additional seven or eight properties. He recognized that property acquisition is a significant concern, and Sound Transit has hand delivered letters to all potentially-impacted property owners.

Chair Craft summarized that the evolving design would move the station further north into the MUR-70' zone. It would also incorporate NE 148th Street to allow for better bus, bicycle and pedestrian access on the north side of the station rather than on 5th Avenue NE. Mr. Evans explained that it was difficult to

engineer traffic to fit into the triangle south of the on-ramp. Having another access so close to the intersection of NE 145th Street was also problematic from a traffic engineering standpoint. They are considering a variety of options, and Sound Transit will continue to work with Metro and the City's Traffic Engineer on how to address circulation to make it function well but still allow improvements on 5th Avenue NE to occur.

Chair Craft asked if the evolving design is based on a more in-depth traffic/circulation analysis. Mr. Evans said the proposed new location has received support from partner agencies, and the intent is to formalize the concept. The issue is trying to fit everything within a confined space. Since the original selection of the station location, Metro completed its draft long-range plan that incorporated substantial new bus service to the station area. The developing footprint would accommodate their need for increased space.

Commissioner Chang asked how the proposed location change would impact the conclusions contained in the FEIS. Ms. Redinger answered that staff is doing some initial analysis to see how the change would impact the walkshed, etc. However, on the whole, moving the station 400 feet to the north would not change what was analyzed in the FEIS, and it may help alleviate some of the issues. For example, it may create better traffic flow on 5th Avenue NE. She emphasized that more information about the station location will be forthcoming at the 30% design workshop that Sound Transit will host. At that time, the community will have an opportunity to comment on the designs as they are developed.

Chair Craft commented that, by moving the station as proposed, the amount of MUR-70' zoning available for redevelopment would be reduced. That means the number of potential units would also be reduced.

Commissioner Chang asked how the new location would impact the traffic study results, and Ms. Redinger answered that it would not change the volumes, other than reducing them a bit because fewer parcels would be zoned MUR-70'. On the whole, staff believes the change would provide relief. The more people have an option to reach the station by reliable bus service, the fewer people will choose to drive in single-occupancy vehicles.

Commissioner Moss-Thomas referred to the letter from Sound Transit to Yoshiko Saheki, which indicated that the location change was based on a request from the City of Shoreline. Mr. Evans said the change came about as Sound Transit worked with their partners (Washington State Department of Transportation (WSDOT), City of Shoreline and King County Metro). Moving the station to the north would reduce the impacts to NE 145th Street, and the City of Seattle would no longer have jurisdiction. He explained that Sound Transit has a directive to address transit integration. Rather than creating individual silos of transit operations, light rail will work with the bus service so that the two opportunities are well integrated. Metro pointed out that their projections indicate that 90% of the train ridership will come from their buses, and the plan must include pleasant, easy-to-use, and efficient circulation. The City has agreed that Sound Transit should work with King County Metro to make sure their needs are accommodated. In addition, the City Traffic Engineer identified concerns about how traffic would work at the intersection of NE 145th Street and 5th Avenue NE. She particularly voiced concern about the closeness of driveways, where stacking would occur.

Commissioner Malek asked about ownership and future disposition of the triangular piece of property at the intersection of NE 145th Street and 5th Avenue NE. Mr. Evans said the property is WSDOT right-of-way all the way to the northern boundary of the existing park-and-ride. In normal circumstances, Sound Transit would purchase an air lease or long-term easement use of the property, but WSDOT would still retain ownership. This may still be required if other enhancements or access are included in the developing footprint scenario.

Commissioner Mork emphasized that pedestrian and bicycle access are crucial to the success of the station, and she asked if the location change would alter the work that has been done in this regard. Ms. Redinger answered that staff anticipates that if NE 148th Street goes through the station area, pedestrians and bicycles would have better access. Mr. Evans added that the proposed change would also resolve the City's long-time concern about how people who are walking or riding to the station get across the on-ramp. Relocating the station further north would eliminate the need for the Metro off-ramp because people would be able to use light rail instead of catching a bus to travel down I-5. In addition, the pedestrian crossing would be shorter and enhanced. The previous version would require a new on-ramp that would serve as a northern wall to what is going on north of the station. The intent is to work with the City on a variety of multi-modal enhancements on 5th Avenue NE that improve connections to and throughout the station for all modes of transportation.

Commissioner Moss-Thomas voiced concern about recommending approval of a land use map before making final decisions relative to zoning. For example, the Compact Community Hybrid Map (Alternative 4) is being used as a placeholder. However, in the context of deliberations about the overall zoning in the subarea, the Commission may want to recommend changes to the land use map. Assistant City Attorney Ainsworth-Taylor explained that the general approach is to address the Comprehensive Plan first and then the zoning should implement the Comprehensive Plan. However, for Comprehensive Plan Land Use Designations that can only be implemented with one zoning district, any subsequent zoning changes would require amendments to the Comprehensive Plan Land Use Map. Because the Comprehensive Plan designations and the implementing zoning designations are tied together, the Commission could consider the Comprehensive Plan Future Land Use Map and Zoning Map simultaneously.

Public Testimony

Dia Dreyer, Shoreline, expressed her belief that there should be no minimum density requirement in the MUR-35' zone, and the base density calculation rounding methods should not be modified. In addition, she recommended that the Phase I PAO Boundaries should not include any MUR-35' zoned properties. If the properties to the east are excluded, then properties to the west should be excluded, as well.

Ms. Dreyer reviewed that the Commission and City Council have confirmed multiple times over the past two years that single-family residential should be allowed in the MUR-35' zone and they are not in support of imposing minimum density. She noted that Commission's October 16, 2014 minutes show that staff verified that minimum density in the MUR-35' zone was not supported by the Commission, yet the topic was brought up again by staff at the Commission's June 2nd meeting. After a lengthy discussion, the Commission reaffirmed that they were not in support of minimum density in the MUR-

35' zone. Based on that meeting, each note in the code was adjusted and next to the adjustments it was noted that *"the Commission does not support minimum density in MUR-35'."* However, in the current meeting packet, staff has once again reasserted the amendment to be sent to City Council. She suggested that this dismissal of Commission direction and repeated insertion of the amendment is a mockery of the process and a complete disregard for the role of the Planning Commission. She questioned who is driving the relentless attempt to get the amendment into code. Is the Planning Division acting on the single biased interest of a certain outside party? Is it not the responsibility of the City to fully and clearly disclose to Shoreline citizens any possible ex-parte communications that could influence the City's decision?

Ms. Dreyer concluded that, as discussed by the Commission in June, forcing additional units can have an incredibly large impact. Few homeowners have the means to realistically build three units, as Amendment 8 would be a requirement for all properties regardless of size. Requiring that units be crammed onto a property would leave the current home owners few options but to scrape their lot and demolish their own homes in order to do anything besides simply live there. Developers know this will reduce the pool of buyers, increase the highest and best use of the property, and bully the current homeowners.

David Lange, Shoreline, pointed out that the City has run for more than a year with the 185th Street Station Subarea zoning and current permits have had little to do with the concept drawings that were sold to the public as depicting the upzone results. He questioned how a PAO would foster the concepts of higher density and storefronts around an intersection with less density in the middle of the block or a working solution for walking density versus completely dispersed Vision 2029 storefronts. He commented that the new station design would eliminate bus stops on NE 145th Street near the station; and all buses, regardless of origin or destination will be using 5th Avenue NE. He cautioned that the City can build density faster than it can create community, which effectively blocks buses on NE 185th Street and NE 145th Street and creates costs instead of revenues.

Mr. Lange advised that there are serious concerns that the critical areas on private spaces have not been adequately identified or documented, and there is a buffer area west of the freeway that is still labeled as MUR-70'. He said he would like single-family residential to be a conforming use in the MUR-45' zone. Having a residential-only option in every zoning category will result in more cars than businesses. Further, it will push for more road width and garage space while decreasing walkability in the community. He voiced his belief that the residential option is effectively a "bait and switch" from the DEIS pictorial concepts that garnered some citizen approval and is now a surprise implementation of density, mainly residential, at any cost. He recalled that, at their last meeting the Commission heard about interest in redevelopment, but it is likely that every one of the proposals was for residential uses. With MUR-45' coming into the upzone years before MUR-70' development is present, business and office solutions are needed in the MUR-45' code, repeated all along the 1.25-mile corridor for 185th and its breadth. It's all about density, and the question is picking business and office or wider streets and congested intersections in areas where there are currently residential streets.

Mr. Lange commented that the examples provided of MUR-45' buildings will not get built in Shoreline until Seattle quits booming. He suggested one of the strongest support letters mentioned residents lacking mobility, and the easy-to-build, 3-story townhomes without elevators are no place for a

significant portion of the City's residents (existing or desired). He noted that every new building either contributes to the walking community or creates dumb density costs. He urged the Commissioners to read the comments and FEIS statements again before they vote.

Doug Hudson, Shoreline, said he first heard about the Subarea Plan via a letter from a realtor who wanted to purchase his home, which is located on 10th Avenue NE, the 5th lot above NE 155th Street. He particularly voiced his concern that the 4-lot width of MUR-35' zoning north of NE 155th Street (between 5th Avenue NE and 15th Ave) would be directly adjacent to single-family residential zoning. As proposed, it is possible that a 35-foot high structure could look directly into his back yard. He questioned why the City is proposing to rezone these properties midblock when the remainder of the zoning changes occur by block. He said it appears the intent is to create a mini Aurora Avenue. He asked for examples of where this type of zoning has been done elsewhere.

Yoshiko Saheki, Shoreline, referred to Amendment 3 (SMC 20.40.506) of Ordinance 751 and asked that the language be revised so that single-family detached dwellings that do not meet the minimum density are permitted in the MUR-45' zone, as well as the MUR-35' zone, subject to the R-6 development standards. She would support a provision that would sunset the allowance in the MUR-45' zone 10 years after the station opens. She observed that most people who live on blocks designated as MUR-45' did not envision this change when they purchased their homes. By allowing them to have their homes as permitted uses until 2033, the rezoning would be less disruptive on their lives. She asked the Commissioners to not just plan for the future; they should also consider those who live in the neighborhood now and have already invested in the community.

Steve Schneider, Shoreline, said he also received an email from Olivia Rother, Committee Outreach Specialist for Sound Transit, regarding the proposed change in station location. He asked the Commission to postpone any decision on the 145th Street Station Subarea Plan until Sound Transit gives the City an exact new location for the station. Since the design will not be ready until late fall, the City should wait until the final design is finished before proceeding with any decisions. The time should be used to continue the discussion of the cons and pros of the rezone. He asked who would pay for all of the mitigations listed in the FEIS for Phase 1 of the Compact Community Hybrid Zoning Scenario. It should not be the people who already live in the neighborhood.

Wendy DiPeso, Shoreline, said she was present to represent the Shoreline Preservation Society. She asked that the Commission accept the Society's additional comments as part of the official public record with legal standing on the matter of the proposed 145th Street Station Subarea Plan (PAO, FEIS and rezone), including Ordinances 750, 751 and 752. The Society has a longstanding interest and involvement in the community, protecting its natural and cultural resources, the character of the neighborhoods, and the Thornton Creek Watershed. The Society asserts Growth Management Act (GMA) and SEPA standing in this matter.

Ms. DiPeso said that, along with the concerns raised in a letter that was submitted earlier in the day, the Society has the following additional concerns:

- At the Commission's last discussion, Commissioner Mork testified of her concern that retaining R-6 around wetlands would create an area where only the very wealthy could live. However, it is

important to keep in mind that they are not talking about lakefront property or ocean views. They are talking about homes that are subject to flooding. If the City increases the density north, west and south of the Paramount Park and Open Space, any properties that are in the buffer zone or adjoining the wetland would be subject to greater flooding.

- The Commission also had a lengthy discussion about minimum lot size, but it did not address the fact that buildings of a certain height require fire service access on all four sides. This will require setbacks.

- In order to keep everything above board and the community informed, it is necessary to at least do an amended or supplemental Environmental Impact Statement (EIS) based on the proposed station location change. Sound Transit will not conduct their public meeting until November, yet it is anticipated the City Council will make a final decision on the Subarea Plan by the end of September. That seems to be "putting the cart before the horse."

Ms. DiPeso said she could fill a book with all of the issues and concerns the Society has relative to the Subarea Plan. It comes down to the fact that they are not just talking about dots on a map. Almost everyone in the room could say that this community is their home. The 2000+ people who attended the ice cream social just prior to the hearing could also say this community is there home. Yet, with the strike of a pen, these human beings are being denied the right to determine what the changes are going to look like in their home area once projects are actually proposed. She questioned who the community belongs to. It appears that it now belongs to those who have the power and money to redevelop.

Aaron McCullough, Shoreline, said he lives on 5th Avenue NE and is a supporter of aggressive planning. He supports the City turning into the modern city that it can be, and he supports a significant upzoning to meet the coming density that is inevitable. He said he did not grow up in Shoreline and has lived in the City less than five years. However, it is his home and he intends to stay. They are trying to find their way in the neighborhood and provide ways for people with disabilities to have a place to live, as well. There is an accessory dwelling unit on his property that is leased out to someone with developmental disabilities. They are interested in taking advantage of a potential upzone to provide an additional accessible unit that he may end up moving into as he ages.

Mr. McCullough said he is dismayed by the Compact Community Hybrid Map, which illustrates a fractional change from earlier ones that seemed to push the MUR-35' all the way up 5th Avenue NE to NE 160th Street. The current proposal falls short of allowing him to take advantage of an increase in density. He disclosed that he works for Sound Transit as an Accessibility Coordinator, but he was not present to speak on behalf of Sound Transit. He was previously an attorney who focused on the American's with Disabilities Act (ADA). His desire is to address the City's need for more accessible housing options and provide opportunities for citizens to age in place. Rather than knocking down existing structures, his goal is to take advantage of the potential upzone. He commended the Commission for the good planning they have done and for the well-deserved award the City recently won for the 185th Street Station Subarea Plan. He urged the Commission to take an aggressive approach to the 145th Street Station Subarea Plan.

Jeffrey Eisenbrey, Shoreline, presented a petition with 97 signatures from citizens asking for an extension of two weeks for the public comment period to account for the late-breaking news about the station relocation, as well as people's general sense of dismay and powerlessness regarding the upzone. He commented that the proposed change in station location strikes him as the latest and inescapable evidence that the process is outpacing the gathering and consideration of facts. He noted that the City of Bothell's pursuit of redevelopment on Bothell Way was an 8-year process, yet the City of Shoreline is trying to complete the 145th Street Station Subarea Plan in two to three years. In spite of the extended public comment period outlined by staff, the community feedback has mostly been thrown out and people have expressed grave concern and surprise when they see how the proposal is rendered in the maps.

Mr. Eisenbrey referred to Section 3.3.3 of the Department of Ecology's (DOE) SEPA on-line handbook, which discusses the effected environment, significant impacts and mitigation measures. He noted that the City uses the lowest threshold of mitigation (monitoring) almost exclusively. As he demonstrated in documents he prepared for the last Commission meeting, the impact to schools of a full buildout can be conservatively estimated at $250 million strictly for construction. The City's FEIS does not address where this money will come from, nor does it propose any mitigation besides monitoring. This is irresponsible at best, and at worst, it is either incompetent or an effort to whitewash the costs that will be passed on to residents. All of these services will be costly and have not been accounted for in the FEIS. When comparing the work of the City's Planning Division to the work that has been done by other municipalities (as cited in a letter of rebuttal to comments the Commission has received), the City's work is shoddy at best.

Ann Bates, Shoreline, voiced concern that the costs associated with additional infrastructure have not been addressed in the plan or in the FEIS. There is some very lovely language in the July 2016 draft report that says the City would prioritize capital projects, update its systems plan and procure funding for and implement improvement to its facilities. However, it does not say whether the City actually has the staffing capacity to get all the changes done. It also does not identify who would be responsible to pay for the improvements to water, sewer, traffic, parks, etc. She noted that there is a chance that Paramount Park may be turned into a school again. While it has been suggested that the City would insist that the school provide playground equipment for the community, it is not guaranteed and the park may be lost. Although another park would be recommended based on population and size, there has been no discussion about who would pay for the park and where it would be located. She asked if developers would have to pay for any of the improvements and if the City has sufficient staff to see that the improvements are made.

Deborah DeMoss, Shoreline, said she has been significantly impacted by the decision that was made relative to the 185th Street Station Subarea Plan, and she is present to support the citizens and neighbors who are concerned about the 145th Street Station Subarea Plan. Based on the horrifying effects of the Planning Commission not doing a traffic study for her street (12th Avenue), she and her neighbors are still in a nightmare state. She said she hopes that the Commission will listen loud and clear to the neighbors and base its decision on what they are saying. They know better than anyone. No one bothered to listen to her and her neighbors. Instead, they followed the staff's recommendation, but it is important to keep in mind that staff does not have to live with the nightmares that their plans create. She reported that, in May, a small dog was killed on her street, which is located in a commercial/business

area. The traffic has been horrendous, and the little dog will never come back to its family. She noted that there are children living along the street, and she implored the Commission to listen to the community and understand their concerns and thoughts. When all is said and done, you cannot go back. The 185th Street Station Subarea Plan was rushed through. Although the City won the lawsuit that was filed against it, she finds it ironic that they won an award for their efforts.

Pam Mieth, Shoreline, said she is in favor of the light rail station and some increased development. However, she continues to object to the height, density and scope of the proposed Subarea Plan. She said she does not understand why neither the Planning Commission nor City Council has paid any attention to the objections of the majority of residents who have attended their meetings. It seems that the Subarea Plan is a foregone conclusion. She said she understands the concept of grouping redevelopment in proximity to the stations, but it puts the full impact on these neighborhoods. Perhaps spreading it out a little bit and having some better transportation links should have been considered further. She is also concerned that there would be no maximum density in the proposed zones, and she is worried the plan would result in a lot of micro-units along NE 145th Street and NE 155th Streets, with no setbacks in some cases. This would crowd out the streets and create a very urban environment that would completely change the character of the City. While she understands the need for progress, the proposed plan seems excessive. She asked if the change in the station location would require the borders of the increased density to shift north a few blocks. She noted that the plan talks about extending the turn lanes on NE 155th Avenue and Meridian Avenue NE all the way from 5th Avenue NE to 15th Avenue NE. If so, would that be done in the existing roadway, or would the on-street parking be eliminated. She said she would love the proposal to be downscaled, and she urged the Commission to continue the public hearing.

Robin Lombard, Shoreline, commented that many of the residents in attendance at the public hearing have spent countless hours over the past three years in meetings, design workshops, open houses and discussions. They've invested the time because they care about the neighborhood and how the plan surrounding the 145th Street Station Subarea will impact them. They want to make sure the Commission has the information it needs. She said she was surprised and concerned when she heard that the station might be moving to the north. Although she thinks it is Sound Transit's right to change its mind based on more information, citizens will want to give feedback. She requested that the Commission hold back its recommendation on the Subarea Plan until they are sure about the location and Sound Transit has communicated with the residents and allowed them an opportunity to provide feedback.

Commissioner Malek asked if staff has discussed how reducing the size of the MUR-70' zone based on the proposed new station location would impact the FEIS that was prepared for the Subarea Plan. Ms. Redinger answered that the FEIS is intended to analyze the maximum potential impact, and the proposed station relocation could potentially decrease the impact. Therefore, staff believes the location change is adequately addressed in the FEIS.

Janet Way, Shoreline, commented that the proposed change in station location is a significant concern, and she supports previous requests that the hearing be rescheduled to a future date to allow more people to testify and for the Commission to consider the impacts properly. She pointed out that about 3,000 households would be impacted by the proposed Subarea Plan. If the area were threatened by a flood, fire, or earthquake, the Commission would feel obligated to do something to help the neighbors.

Instead, it appears they are trying to figure out a way to "kick them all out." She understands that change will happen and development will occur, but ultimately, that's the way the residents feel. Again, she asked for more time. The citizens have a right to be heard and to be given proper notice of the changes coming up.

Charles Cooper, Shoreline, said the reality is the Central Puget Sound (the metropolitan region) is going to see an increase in population in the magnitude of 1.5 million in the next 20 years. That means that every city in the region must take some responsibility for accommodating the increase in population. That necessarily means that cities must look at how they are organized, and it will mean more density. He recognized that change is never pleasant, but they must "take the bull by the horn." The City Council and Planning Commission is charged with the responsibility of looking at the best interest of the community in the long run; not just for existing residents, but for new residents. It is his hope that the Commission will do its best job in figuring out what needs to be done, recognizing that the City must densify and create walkable, vibrant communities and transit-oriented development adjacent to the Sound Transit investments that are coming.

Ms. Redinger clarified that single-family uses would be permitted in the MUR-35' zone. The R-6 development standards would apply to future single-family residential development and there would be no minimum density requirement. However, if minimum density is applied to the MUR-35' zone, it would not be possible to develop more than one single-family home to maximize the density allowed under the MUR-35' development standards.

Regarding Ms. Saheki's recommendation, Ms. Redinger explained that the regulations, as currently written, would allow single-family homes as permitted uses in the MUR-45' zone, and the remaining non-conformance would pertain to the minimum density requirement. Even with the non-conformance, a single-family homeowner in an MUR-45' zone would be allowed to expand, remodel and rebuild up to 50% square footage or 1,000 square feet, whichever is less, of their existing footprint.

Ms. Redinger referred to Mr. Hudson's concern about having a 35-foot high structure looking down on his backyard. She clarified that the existing height limit in R-6 zones is 35 feet, and the 35-foot height limit in the MUR-35' zone was intended to be compatible.

Ms. Redinger recalled that there were also a number of questions about who would pay for upgrades to infrastructure. She answered that some of the upgrades would be provided by Sound Transit in conjunction with the station development and some will occur as capital projects. However, a lot of projects will occur as part of redevelopment. She reminded the Commission that developers are required to pay for improvements to traffic, utilities, etc.

Ms. Redinger emphasized that the City has made a clear commitment to acquire and develop new park space, programs and facilities. She advised that the Parks, Recreation and Open Space (PROS) Plan is currently being updated. In addition to looking very specifically at opportunities within both of the station areas to acquire land, the plan would look at an impact fee that developers would pay into a fund that the City could use to acquire available property for park or open space.

Although it has been suggested that the public hearing be continued to September 1st, Ms. Redinger pointed out that date is the Thursday before the Labor Day Weekend. When staff originally considered dates for the public hearing, they knew it would be challenging to hold a public hearing and have good participation in August. They also realized that moving the hearing to a non-traditional Commission meeting night would also cause problems, and the Thursday before Labor Day was also not ideal. However, it is important for the City Council to start deliberating in September and make a recommendation soon after, as they are also obligated to adopt a City budget and take care of other year-end items.

Ms. Redinger clarified that the Polaris Development was not part of the 185th Street Station Subarea. The zoning was adopted 10 years ago as part of North City. The policies surrounding the development are not based on staff recommendation. The development approval was based on policies and plans from City, County and regional entities.

Regarding the maximum density provision, Ms. Redinger reminded the Commission that the City has changed the way it regulates residential development from a maximum density to a height limit. There are also other controls relative to the number of units that can be developed, such as parking standards.

There was no one else in the audience who wished to participate, and the public portion of the hearing was closed.

Commission Discussion and Action

CHAIR CRAFT MOVED THAT THE COMMISSION RECOMMEND TO CITY COUNCIL THAT ORDINANCE 750 (ADOPTING THE 145TH STREET STATION SUBAREA PLAN AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP) AND ORDINANCE 751 (ADOPTING AMENDMENTS TO THE SHORELINE MUNCIPLE CODE TITLE 20 UNIFIED DEVELOPMENT CODE AND AMENDMENTS TO THE CITY'S OFFICIAL ZONING MAP TO IMPLEMENT THE 145TH STREET STATION SUBREA PLAN) BE ADOPTED AS PROPOSED BY PLANNING STAFF IN ATTACHMENTS A AND B OF THE AUGUST 18, 2016 STAFF REPORT. COMMISSIONER MAUL SECONDED THE MOTION.

COMMISSIONER MAUL MOVED TO AMEND THE MAIN MOTION TO REMOVE AMENDMENTS TO THE SHORELINE MUNICIPAL CODE TITLE 20 PROPOSED BY STAFF IN ATTACHMENT B, EXHIBIT A AND DIRECT PLANNING STAFF TO PREPARE A NEW STAND-ALONE ORDINANCE FOR THOSE AMENDMENTS AND TO MODIFY ORDINANCE 751 TO REFLECT THE CHANGE. THE RECOMMENDATION TO COUNCIL WOULD BE FOR THE APPROVAL OF BOTH ORDINANCE 751 (ZONING MAP AS SHOWN IN ATTACHMENT B, EXHIBIT B) AND APPROVAL OF A NEW ORDINANCE FOR DEVELOPMENT CODE AMENDMENTS SHOWN IN ATTACHMENT B, EXHIBIT A. COMMISSIONER MORK SECONDED THE MOTION.

Assistant City Attorney Ainsworth-Taylor explained that the intent of the sub-motion is to separate the development code provisions from the zoning map so that the development codes for the 145th Street Station Subarea Plan and 185th Street Station Subarea Plan stand alone.

THE SUB-MOTION TO THE MAIN AMENDMENT WAS UNANIMOUSLY APPROVED.

COMMISSIONER MORK MOVED TO AMEND THE MAIN MOTION TO RETAIN R-6 ZONING ONLY ON THOSE TAX PARCELS THAT ARE ENCUMBERED BY CRITICAL AREAS AND THEIR BUFFERS AS SHOWN ON ATTACHMENT D TO THE AUGUST 18TH STAFF REPORT. THE OTHER TAX PARCELS SHOULD BE ZONED TO MUR-35'. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.

Commissioner Mork reminded the Commission of the specific goals called out by the City Council to increase density and recommended that the properties that do not have critical areas should be reverted to MUR-35' zoning so the density requirements can be met. She explained that when identifying critical areas, it is not just based on whether or not they can be seen. When property is developed, a developer must also notify the City if any critical areas are found. She feels there is already a safety net built in, and MUR-35' would be a reasonable method to increase density in the area.

Commissioner Malek asked if the entire area was originally identified as MUR-35' but later changed to R-6. Chair Craft answered that the original Compact Communities Map identified the properties around the Paramount Open Space and Paramount Park as MUR-35'. In the Commission's recommendation to the City Council, the MUR-35' zoning was removed for the properties around the park. Commissioner Mork clarified that her sub-motion would revert those properties that are not encumbered by critical areas or critical area buffers back to MUR-35'. This would also include some properties by Twin Ponds Park.

Commissioner Moss-Thomas said she took the opportunity to walk through the entire area earlier in the week and noticed there are a lot of single-family residential homes, and many are relatively new. She does not anticipate these uses will change in the next 50 years, but there are also opportunities for redevelopment. Although the R-6 and MUR-35' zones have the same height limit, they also contain different development standards for setbacks, etc. She supports the proposed motion to change the properties back to MUR-35' zoning. She also suggested that the sub-motion should include the properties south of the Paramount Open Space that border NE 145th Street. This change would present an opportunity to increase density for walkability. Although there is a small amount of critical area on the properties, the mitigations that would be required to develop these properties would resolve a huge number of issues that plague the Paramount Open Space. These improvements will not be made if the R-6 zoning is retained. Given the location of these properties, she felt there would be greater safeguards and a better opportunity to develop infrastructure on these properties if they were zoned MUR-35'.

At the request of Commissioner Chang, Commissioner Moss-Thomas clarified that although the MUR-35' zone would allow a greater lot coverage, development would still have to conform with all the critical area requirements. In addition, new development would have to meet the more stringent stormwater requirements. Commissioner Chang clarified that both the R-6 and MUR-35' zones would require new development to meet the new stormwater requirements. Commissioner Moss-Thomas

reminded the Commission that NE 145th Street is a highway of statewide significance, and MUR-35' zoning would offer additional options for redevelopment. While she does not believe that all the existing homes will go away, the goal is to create a livable community with a variety of housing types.

COMMISSIONER MOSS-THOMAS MOVED THAT THE SUB-MOTION BE AMENDED TO ZONE THE PROPERTIES ON THE SOUTH END OF THE PARAMOUNT OPEN SPACE THAT HAVE A PROPERTY LINE ABUTTING NE 145TH STREET TO MUR-35'. COMMISSIONER MORK SECONDED THE MOTION.

Commissioner Moss-Thomas summarized that her sub-motion is partly an equity issue, as well as a density issue. It is also a quality of life issue. For example, denser development can actually block sound from the corridor from carrying through to the neighborhoods. Identifying the properties as MUR-35' would not eliminate a property owner's ability to develop a property as single-family residential based on the R-6 zoning standards.

Commissioner Mork said she supports the exception proposed by Commissioner Moss-Thomas because the properties abut NE 145th Street, and the Commission has a tendency to think of major arterials, such as NE 145th Street or 15 Avenue NE, as being places where they want more density.

Chair Craft said he supports the Compact Community Hybrid Map, as previously recommended given the geography and topography of the area. Although he recognized that the intent is to focus denser development on the arterials where there are transit opportunities, he is not sure how necessary it is to change the zoning given that there has been recent development of single-family housing in the area. He reminded the Commission that the zoning could be changed at some point in the future if necessary, and the previously recommended map hones the focus in on the areas that are most important for transit-oriented development (15th Avenue NE, NE 145th Street, and NE 155th Street, and Light Rail Station). He said he would be inclined not to support either of the sub-motions.

Vice Chair Montero said he also supports retaining R-6 zoning on the properties that surround the park. He said he could support the motion to convert the properties back to MUR-35' if the minimum density requirement were eliminated.

THE MOTION TO AMEND THE SUB-MOTION *(CHANGING THE ZONING ON THE PROPERTIES SOUTH OF THE PARAMOUNT OPEN SPACE THAT ABUT NE 145TH STREET TO MUR-35')* WAS APPROVED BY A VOTE OF 4-3, WITH COMMISSIONERS MOSS-THOMAS, MORK, CHANG AND MAUL VOTING IN FAVOR AND CHAIR CRAFT, VICE CHAIR MONTERO AND COMMISSIONER MALEK VOTING IN OPPOSITION.

Again, Chair Craft expressed his belief that the original map the Commission created is effective given current circumstances. Changes can be made in the future if necessary. The more intense development should be focused on 15th Avenue NE, NE 145th Street, NE 155 Street and the light rail station area.

Commissioner Mork commented that her sub-motion is intended to provide an equity option so that people will have a choice on whether they retain, replace, or expand their single-family or redevelop consistent with the MUR-35' zoning standards. Zoning the properties to MUR-35' would give

additional options to homeowners and developers. For example, MUR-35' development would provide opportunities for people who want to live near a park but cannot afford a single-family home.

Vice Chair Montero said he still feels the area should remain R-6, recognizing that it is part of Phase 2 of the Subarea Plan and can be reevaluated and changed at a later date. He believes the properties will remain the same for the foreseeable future regardless of whether they are zoned R-6 or MUR-35'. Commissioner Moss-Thomas disagreed, pointing out that the proposal would change both the Land Use Map and Zoning Map for all properties within the subarea. Although the properties in question are not included as part of the PAO (area formerly identified as Phase I), she believes changes will occur. For example, the gateway area at NE 145th Street and 15th Avenue NE is ripe for redevelopment, and she sees a higher potential for shorter term development going from 15th Avenue NE heading west before the station opens. It is important to address zoning and land use now so that property owners have a clear understanding of their choices.

Ms. Redinger pointed out that the map the Commission is currently considering would adopt all zones as of 2016 without phasing. If the Commission wants to put forward a phased-approach to the City Council, they would need to clarify their intent relative to the Compact Community Hybrid Alternative and the PAO boundaries. The Comprehensive Plan Map should also be changed accordingly to represent the future vision for zoning, even if it does not happen right now.

Commissioner Malek said he also walked through the Paramount Open Space and Paramount Park. With the density proposed in the MUR-70' and MUR-45' zones, there will be a need for more open space and areas that are less dense. The current map already lends itself to this concept. As he has watched Ballard redevelop, one of his least favorite things is the townhome density projects that are hobnailed in and encroach on sensitive areas. Of all the spaces to impose high density, critical areas and their buffers are the most objectionable. He would rather consider expanding the MUR-70' zoning further north beyond NE 155th Street and leaving the properties surrounding the parks as R-6. There is no reason to propose higher density and/or business traffic against a wetland area.

Commissioner Moss-Thomas reminded the Commission that commercial uses are not allowed in the MUR-35' zone unless facing a collector arterial. Therefore, most of the properties surrounding the parks would be restricted to residential development only. MUR-35' also has a height limit and limits on lot coverage. She voiced concern about leaving a lot of R-6 zoning in the middle of an area that is already fairly transit rich. She also voiced concern that the current map would place R-6 zoning across the street from MUR-70' zoning. She summarized that the proposed change would give more equity and lend itself to more development so that people can start using public transit before the station is open. She also anticipates that many of the properties would be redeveloped as residential rather than commercial. She understands that the change will impact the people who live in the neighborhood, but the area has been designated on long-range plans for well over 20 years as being a more transit-dense area.

THE SUB-MOTION *(RETAINING R-6 ZONING ONLY ON THOSE TAX PARCELS THAT ARE ENCUMBERED BY CRITICAL AREAS AND THEIR BUFFERS AS SHOWN ON ATTACHMENT D TO THE AUGUST 18TH STAFF REPORT. THE OTHER TAX PARCELS SHOULD BE ZONED TO MUR-35')* WAS APPROVED AS AMENDED BY A VOTE OF 4-3, WITH

COMMISSIONERS MOSS-THOMAS, MORK, CHANG AND MAUL VOTING IN FAVOR AND CHAIR CRAFT, VICE CHAIR MONTERO AND COMMISSIONER MALEK VOTING IN OPPOSITION.

COMMISSIONER MALEK MOVED TO AMEND THE MAIN MOTION TO ADVANCE THE MUR-70' ZONE TO THE AREA BETWEEN NE 155TH STREET, 6TH AVENUE NE AND THE FREEWAY. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.

Commissioner Malek said the intent of the sub-motion is to reclaim more high density, with the understanding that some would potentially be lost with the station relocation. He also felt that MUR-70' would better serve the area.

Commissioner Moss-Thomas asked if MUR-70' zoning would need to have been analyzed as part of the EIS. Assistant City Attorney Ainsworth-Taylor explained that not every lot needs to be analyzed in the FEIS at the exact zoning that is put in. The FEIS analyzed the no action alternative, the maximum growth alternative and various other scenarios and identified the amount of impacts associated with each one. The EIS studied a large percentage of the area in question as potentially MUR-85' zoning, so the analysis captures the impacts associated with MUR-70' zoning, as well. She concluded that the proposed change would fall within the parameters of the FEIS.

Chair Craft said he does not support extending the MUR-70' zone further north. The MUR-70' zoning should be located as close to the light rail station as possible. Bringing it to NE 155th Street would extend it beyond where it would be most effective, resulting in dense zoning further from the station area than desirable. On the other hand, he supports the MUR-70' zoning at the intersection of NE 145th Street and 15th Avenue NE given the existing commercial corridor and transit access along NE 145th Street.

Commissioner Mork asked staff to display the map that illustrates the ½-mile radius and walkshed boundaries, as well as the 1½-mile bike shed around the Compact Community Hybrid Alternative. Although the subject properties along NE 155th Street are within the ½-mile radius but not the walkshed, it was noted that the walkshed would move slightly north if the station is relocated as currently proposed. Commissioner Moss-Thomas noted that the station would be shifted north about the same distance as Commissioner Malek's recommendation to extend the MUR-70' zone. Given the potential for additional non-motorized improvements if the station moves further north, the properties in question would likely be within the walkshed area. She cautioned against basing their decision on today's streets and property boundaries, which are likely to change as parcels are redeveloped.

Commissioner Chang voiced concern that the proposed amendment represents too much change, and she likes the way the current zoning steps down and provides a transition from MUR-70' down to MUR-45', MUR-35' and then R-6 zoning. Commissioner Malek noted that, even with the change, the MUR-70' zoning would be surrounded by MUR-45' zoning to buffer most of the area.

Chair Craft commented that limiting the MUR-45' zone reduces the opportunity for people to purchase property, and people who purchase property tend to stay a little longer. Eliminating a portion of the

MUR-45' zone would remove some of the opportunity for different types of families and individuals to move into the neighborhood.

Vice Chair Montero pointed out that the property on the northern portion of NE 155th Street is developed with a church on the east corner and a fire station abutting the freeway. The map is missing 4th Avenue NE, which curves down between 5th and 2nd Avenues NE. The opportunity to redevelop to MUR-70' is limited. He agreed that the area does not lend itself to MUR-70' and it should remain as MUR-45'. However, he would support extending the MUR-70' zone further on the property east of 5th Avenue NE.

THE SUB-MOTION TO THE MAIN MOTION FAILED BY A VOTE OF 3-4, WITH COMMISSIONERS MALEK, MAUL AND MOSS-THOMAS VOTING IN FAVOR AND CHAIR CRAFT, VICE CHAIR MONTERO, AND COMMISSIONERS CHANG AND MORK VOTING IN OPPOSITION.

COMMISSIONER MALEK MOVED THAT THE PROPERTIES SOUTH OF NE 155TH STREET AND NORTH OF NE 152ND STREET BETWEEN 5TH AVENUE NE AND 6TH AVENUE NE BE ZONED MUR-70' RATHER THAN MUR-45'. VICE CHAIR MONTERO SECONDED THE MOTION.

Once again, Commissioner Malek said the intent is to reclaim a little more MUR-70' to account for the MUR-70' that would be lost as a result of the station relocation. Density is needed in the area, and MUR-70' is the best way to do it. There would still be MUR-45' zoning to transition between Paramount Park and the residential neighborhoods.

Chair Craft voiced his same objection that the proposed change would limit the amount of MUR-45', which is inappropriate given the location. While moving the station north would limit some opportunity for MUR-70' development, it would be minimal and not have a major impact. He supports keeping the MUR-70' zone closer to NE 145th Street and the station. Given the topography and the properties' proximity to Paramount Park, as well as the single-family residential development to the north, he supports the retention of MUR-45'.

Vice Chair Montero pointed out that 5th Avenue NE between NE 145th Street and NE 155th Street is a multi-modal corridor, and changing the zoning as proposed would allow the properties to be developed consistently along the entire corridor, creating an attractive boulevard. On the other hand, Commissioner Chang said she supports MUR-45' zoning to keep the taller buildings away from the park.

Commissioner Moss-Thomas said she supports the proposed amendment from a multi-modal standpoint, as well as an opportunity to create more cohesiveness between the Ridgecrest Neighborhood to the north and the volume of people going by on NE 155th Street. NE 155th Street is already busy, and it will get even busier as multi-modal improvements are made. The proposed change would provide more opportunities for all modes of transportation. There would still be a good buffer for the park, the proposed change would be consistent with the goal of creating density closer to the station.

THE SUB-MOTION WAS APPROVED BY A VOTE OF 5-2, WITH VICE CHAIR MONTERO AND COMMISSIONERS MOSS-THOMAS, MORK, MAUL, AND MALEK VOTING IN FAVOR AND CHAIR CRAFT AND COMMISSIONER CHANG VOTING IN OPPOSITION.

Commissioner Moss-Thomas noted that Section 1 of Ordinance 751 was pulled out to be its own separate ordinance. Therefore, they are only considering amendments to the zoning map in Ordinance 751. Assistant City Attorney Ainsworth-Taylor said the Commission should also provide clear direction to staff that the Comprehensive Plan Map should be changed accordingly based on the zoning amendments that were done by the Commission.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO UPDATE THE COMPREHENSIVE PLAN FUTURE LAND USE MAP (EXHIBIT B TO ATTACHED A OF ORDINANCE 751) TO ALIGN WITH ALL OF THE PROPOSED ZONING CHANGES IN ORDINANCE 752. COMMISSIONER MORK SECONDED THE MOTION

Commissioner Chang asked if her fellow Commissioners were comfortable with the proposal to change the station location. Chair Craft reviewed that the intent of moving the station further north is to expand opportunities for transportation access, and he feels comfortable that the area to the north will be a more effective location for the station. Commissioner Chang concurred but voiced concern about how the relocation would impact the analysis that was done as part of the FEIS. Commissioner Moss-Thomas commented that the traffic studies played a part in Sound Transit's decision to relocate the station. Even though they are working with partners, Sound Transit will be the governing body responsible for all amendments or addendums to their FEIS. The City's FEIS has to do with zoning and land use, neither of which will be impacted by the proposed relocation.

Commissioner Chang voiced concern that the proposed relocation could impact traffic flow through the area. Commissioner Maul pointed out that the traffic numbers would not change. The station would simply be moved 400 feet north to better accommodate the buses. He does not believe the relocation would alter the FEIS in any way.

Vice Chair Montero reminded the Commission that, along with the proposed changes in zoning, transit would become an authorized use within the MUR-70' zone. Therefore, it is immaterial where the station is located within the MUR-70' zone since it is already authorized as an allowed use.

Commissioner Mork said she shares Commissioner Chang's concern on trying to assimilate such a large change in such a short order of time. She asked if it would be possible to request staff to spend some time pondering and identifying concerns that might not be addressed in the FEIS. Director Markle reminded the Commission that the City's Traffic Engineer has been integrally involved in the process, and part of the reason for exploring movement of the station is to alleviate some of the traffic concerns that have been raised and impacts that have already been identified, mainly through Sound Transit's FEIS. Staff's conclusion is that movement of the station would actually reduce traffic impacts. While there will likely be a mode split, the split will go towards bus and less vehicular traffic.

THE SUB-MOTION (UPDATING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO ALIGN WITH ALL OF THE PROPOSED ZONING CHANGES) WAS APPROVED UNANIMOUSLY.

THE MAIN MOTION (ADOPTING ORDINANCES 750 AND 751) WAS UNANIMOUSLY APPROVED AS AMENDED BY SUBSEQUENT SUB-MOTIONS.

VICE CHAIR MONTERO MOVED THAT THE HEARING BE CONTINUED TO AUGUST 22, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS. COMMISSIONER MALEK SECONDED THE MOTION.

The Commission clarified that the public comment period had been closed previously, and no additional public testimony would be accepted at the continued hearing.

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Director Markle announced that the City has enacted a moratorium effective August 8th on the acceptance of applications for self-service storage facilities. The matter will come before the Commission within the next few months.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Chair Craft reviewed that the Commission's September 1st meeting was cancelled.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Easton Craft
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF SPECIAL MEETING

August 22, 2016 — Shoreline City Hall
7:00 P.M. — Council Chamber

Commissioners Present	Staff Present
Chair Craft	Rachael Markle, Director, Planning & Community Development
Vice Chair Montero	Steve Szafran, Senior Planner, Planning & Community Development
Commissioner Chang	Paul Cohen, Senior Planner, Planning & Community Development
Commissioner Malek	Miranda Redinger, Senior Planner, Planning & Community Development
Commissioner Maul	Julie Ainsworth-Taylor, Assistant City Attorney
Commissioner Mork	Lisa Basher, Planning Commission Clerk
Commissioner Moss-Thomas	

CALL TO ORDER

Chair Craft called the special 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, Malek, Maul, Mork and Moss-Thomas.

APPROVAL OF AGENDA

Commissioner Chang said it was not clear to her that the public comment portion of the hearing was closed at the last meeting. Chair Craft explained that this is a continuation of the public hearing that began on August 18, 2016. The public comment portion of the hearing took place following the staff presentation and prior to the Commission's deliberation. The hearing was continued to allow the Commission an opportunity to complete its deliberations and formulate its recommendation to the City Council. Assistant City Attorney Ainsworth-Taylor explained that after the public comment period on August 18th, the Commission moved into deliberations with no indication that it would continue or offer any additional opportunity for public comment or continue the hearing past Thursday night. Later in the meeting, the Commission passed a motion to continue the hearing to August 22nd, specifically noting that the public comment period was closed. At this time the public comment period is closed, but the public is still welcome to speak to the issues when they move forward to the City Council for public hearing. Chair Craft advised that written comments could be submitted as well.

The agenda was accepted as presented.

PUBLIC HEARING: CONTINUATION OF COMMISSION DELIBERATION ON THE 145TH STREET STATION SUBAREA PLAN PACKAGE: PLANNED ACTION ORDINANCE (ORDINANCE 752) AND STATION AREA DEVELOPMENT REGULATIONS (ORDINANCE 756)

Chair Craft reviewed that the Commission completed its deliberation on Ordinance 750 (adopting the 145th Street Station Subarea Plan and amending the Comprehensive Plan Future Land Use Map) and Ordinance 751 (adopting the official Zoning Map to implement the 145th Street Station Subarea Plan). At the continued hearing, the Commission will continue its deliberation on Ordinance 752 (adopting the Planned Action Ordinance) and new Ordinance 756 (adopting the 145th Street Station Subarea Development Regulations). He recalled that Ordinance 756 was originally part of Ordinance 751, but was removed to keep the regulations specific to the 145th Street Station Subarea.

Ordinance 756 – Development Code Amendments to Implement the 145th Street Station Subarea Plan

COMMISSIONER MOSS-THOMAS MOVED TO RECOMMEND TO THE CITY COUNCIL THAT ORDINANCE 756, AN ORDINANCE ADOPTING AMENDMENTS TO THE SHORELINE MUNICIPAL CODE (SMC) TITLE 20 AND UNIFIED DEVELOPMENT CODE RELATED TO THE CITY'S STATION SUBAREA, BE ADOPTED AS PROPOSED BY PLANNING STAFF IN EXHIBIT A TO ATTACHMENT B OF THE AUGUST 18, 2016 STAFF REPORT. COMMISSIONER MALEK SECONDED THE MOTION.

Vice Chair Montero asked if the maps were updated to reflect the changes made by the Commission at their last meeting. Ms. Redinger answered that the Zoning, PAO and Comprehensive Plan Maps were updated based on the zoning the Commission recommended on August 18th. These updated versions were included in the Commission's desk packet and are available on the back table for members of the audience. However, no changes were made to the proposed amendments to the Development Code (Ordinance 756).

Ms. Redinger explained that the Development Code Amendments were included in the August 18th Staff Report as exhibits to two of the ordinances. Ordinance 756 will officially adopt the regulations, but they were also attached to Ordinance 752 (PAO) as a reference because the regulations are considered mitigations for the PAO. She clarified that the document pertaining to Ordinance 756 is identified as Exhibit A to Attachment B of the August 18th Staff Report. The Commission reviewed each of the amendments as follows:

- **Amendment 1 – SMC 20.30.336 Critical Areas Reasonable Us Permit (CARUP).**

None of the Commissioners had questions or concerns about proposed Amendment 1.

- **Amendment 2 – SMC 20.40.160 Station Area Uses.**

Chair Craft summarized that the table was updated to identify detached single-family residential as a permitted use in the MUR-45' zone. Mr. Szafran said that is the first change to the table, but fire and police facilities were also added as a conditional use in the MUR-35' zone. None of the Commissioners raised questions or concerns relative to Amendment 2.

- **Amendment 3 – SMC 20.40.506 Single-Family Detached Dwellings.**

Mr. Szafran said the change in the first paragraph would allow single-family detached dwellings subject to the R-6 zoning standards. The second paragraph was also modified to allow multiple single-family detached dwellings in the MUR-35' and MUR-45' zones subject to minimum density standards and single-family attached and multifamily design standards. He reminded the Commission that multiple single-family attached dwellings would already be allowed in both the MUR-35' and MUR-45' zones, so the amendment would simply allow detached dwellings.

Ms. Redinger provided a graphic illustration of a 7,200 square foot lot and explained that, currently, the R-6 standards allow lot coverage of 35% for the building and an additional 15% for driveways, decks and other hardscapes. The intent of the proposed amendment is to prevent someone from using the new MUR-35' lot coverage standards and setbacks to build a very large house on the lot. As currently written, the R-6 standards would apply if just one home is being constructed, but the MUR-35' standards would apply to the development of multiple, detached single-family homes on the same lot. The MUR-35' standards allow a greater lot coverage and smaller setbacks. The intent of the provision is to prevent two large homes from being constructed, but allow three or more medium-sized homes on the same lot.

Chair Craft asked if the minimum density provision would apply to both the MUR-35' and MUR-45' zones. Ms. Redinger answered no. There would be a minimum density standard in the MUR-45' zone, but not in the MUR-35' zone. However, the proposed amendment to SMC 20.40.506 would tie the development of multiple single-family detached dwellings to the single-family attached and multifamily design standards in SMC 20.50.120. As proposed, existing homes in the MUR-35' zone would be considered a conforming use, and existing homes in the MUR-45' zone would only be considered nonconforming with respect to minimum density. No new single-family dwellings would be allowed in the MUR-45' zone. She reminded the Commission that an additional provision was included in the MUR-45' standards that allows existing nonconforming homes to expand up to 50% of the original home or 1,000 square feet, whichever is less.

Commissioner Chang asked how the provision in SMC 20.40.506 would apply to a property in the MUR-35' zone that is currently developed as a single-family dwelling but wants to add a detached accessory dwelling unit. Ms. Redinger answered that accessory dwelling units are allowed in any zone, but the R-6 standards limit their size to 50% of the size of the primary residence, requires one off-street parking space, and one member of the family must live in one of the units. Mr. Szafran added that the lot would still have to meet the 35% building coverage and 50% hardscape limitation.

Chair Craft said that based on his discussions with staff, comments from the public, and the development horizon for the light rail station area, it would be wise to allow single-family uses to continue in the MUR-35' and MUR-45' zones. The challenge is that the MUR-45' standards would not allow a property owner to add a second story to an existing home if the addition would be greater than

1,000 square feet. He would like to see more equal treatment of existing single-family homes in the MUR-35' and MUR-45' zones. Single-family homes in the MUR-35' zone are subject to the R-6 standards, and he would like that to carry over to single-family homes in the MUR-45' zone.

Commissioner Moss-Thomas clarified that, currently, existing and new single-family homes would still be an allowed use in the MUR-35' zone, subject to the R-6 standards. Additions or expansion of the footprint would be allowed as long as the R-6 standards are met. Existing homes in the MUR-45' zone would also be allowed to continue, but additions or expansion would be subject to a 50% or 1,000 square foot limit. Also, the minimum density requirement would prevent the development of any new single-family detached dwellings in the MUR-45' zone. She said she is not concerned about allowing existing homes in the MUR-35' and MUR-45' zones to expand vertically, since the remaining portion of the property could still be developed as MUR-35' or MUR-45' at some point in the future. Ms. Redinger agreed, but pointed out that, as currently proposed, nothing would limit the expansion to be vertical. The footprint could be expanded, as well.

CHAIR CRAFT MOVED TO AMEND THE MAIN MOTION TO CHANGE THE FIRST PARAGRAPH OF SMC 20.40.506 TO INCLUDE *MUR-35' AND MUR-45'.* HE FURTHER MOVED TO AMEND THE SUPPLEMENTAL CRITERIA TO ALLOW THE SAME STANDARDS TO APPLY TO MUR-45' AS THEY DO TO MUR-35'. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.

Chair Craft said he believes the motion represents an appropriate level of fairness. Existing residents in the MUR-35' and MUR-45' zones should have the ability to stay in their homes, and they should also have the ability to change the footprint of their homes. Allowing existing development to adhere to the R-6 development standards would not arbitrarily conform them to only 50% or 1,000 feet. It would allow them to make the changes necessary to maintain a vibrant, mixed neighborhood. The provision should apply equally to the MUR-35' and MUR-45' zones.

Commissioner Mork asked if the provision, as it applies to the MUR-45' zone, would have a sunset date. Chair Craft expressed his belief that redevelopment of the neighborhood would occur naturally over time, and an arbitrary sunset date is inappropriate. In his experience, allowing both mixed-use and single-family development in an area can create a nice variation.

Commissioner Mork asked if the intent of the amendment is for density to take a back seat. Chair Craft said future neighborhood transition is important, and the intent of the motion is to allow not only the existing type of development to occur, but also introduce new standards that allow for greater development in the area. The Subarea Plan encourages a level of density around the light rail station that will take place over time, and he does not see his motion as being mutually exclusive of one type of development over another.

Commissioner Moss-Thomas asked if the motion would allow new single-family residential homes to be constructed in the MUR-45' zone, and Chair Craft answered affirmatively. Commissioner Moss-Thomas pointed out that the proposed Subarea Plan does not include a large amount of MUR-45' zoning, and some of the properties that would be zoned MUR-45' are very large lots. While she is not opposed to allowing existing residential homes to remodel or expand up to 50% or 1,000, new

development and redevelopment should meet the density standards of the MUR-45 zone. She does not want the larger lots to be subdivided into smaller lots for single-family residential development at the R-6 standard with no minimum density requirement. From an economic standpoint, Chair Craft said it is not likely that developers will want to develop properties in the MUR-45' zone as single-family residential, and most development proposals will take advantage of the density allowed under the MUR-45' zone.

Commissioner Malek agreed with Commissioner-Moss Thomas. The opportunity for MUR-45' should be exploited where it is available. Height-wise, the MUR-35' zone has some degree of homogeneity, and with the variations in facades and elevations of single-family residential and mixed-use development can be attractive and compatible with each other. However, allowing single-family homes to be constructed intermittently throughout the MUR-45' zone between taller buildings would disrupt the "coefficient of variability," which is a tax assessor term. When assessing a property's value, the more similar the better. While development does not have to be exact, some semblance of conformity is important. Allowing properties to develop as single-family residential based on the R-6 standards would discourage this type of favorable development. He also agreed with Commissioner Moss-Thomas that MUR-45' is much different than the MUR-35' zone, and denser development should be encouraged.

Commissioner Chang said she likes the idea of offering flexibility to existing homeowners in the MUR-45' zone. It seems unfair to penalize them by placing limits on the how much the home can be expanded or remodeled. She supports applying the R-6 standards to existing single-family homes. However, they should encourage vacant lots to develop to their full potential under the MUR-45' standards. Chair Craft said he understands some of the concerns about allowing new single-family residential development in the MUR-45' zone, but he strongly supports the concept of allowing the existing single-family homes to be remodeled or replaced based on the R-6 standards.

If the amendment moves forward, Ms. Redinger suggested a second amendment that would repeal SMC 20.30.280(C)(4) as it applies to the MUR-45' zone. This provision limits expansion to 50% or 1,000 square feet.

Commissioner Moss-Thomas asked if the Commission would be opposed to allowing an existing single-family home in the MUR-45' zone to expand vertically up to a maximum height of 45 feet. Chair Craft said that, as currently proposed, single-family residential development would have to adhere to the R-6 standards unless a provision is added that specifically allows the greater height. Commissioner Moss-Thomas pointed out that, in most situations, MUR-45' abuts MUR-70', and the intent is to create a step down transition. Chair Craft said the intent of the motion is to allow existing single-family residents in MUR-45' to adhere to the same standards that are allowed in MUR-35'. He does not support the concept of allowing existing single-family homes in the MUR-45' zone to expand up to 45 feet in height.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE SUBMOTION TO ALTER THE 1ST PARAGRAPH OF SMC 20.40.506 BY ADDING, "EXISTING SINGLE-FAMILY RESIDENCES IN THE MUR-45' ZONE MAY EXPAND LOT COVERAGE BY UP TO 50% OR 1,000 SQUARE FEET, WHICHEVER IS LESS, BUT MAY INCREASE VERTICAL HEIGHT TO THE MAXIMUM ALLOWED IN THE R-6 STANDARDS."

Commissioner Moss-Thomas said the intent is to allow single-family residential homes to be expanded up to 50% or 1,000 square feet, but also give an opportunity to expand vertically. Commissioner Maul clarified that if single-family residential dwellings in the MUR-45' zone are tied to the R-6 standards, the 50% lot coverage would apply, but there would be no specific limit on the size of the expansion. Allowing single-family homes to expand to a height of 45 feet in the MUR-45' zone would be contrary to the concern about "mega homes." Commissioner Moss-Thomas explained that limiting the expansion of lot coverage to 50% or 1,000 square feet would offer more opportunities for infill as time goes on.

Again, Commissioner Maul clarified that the R-6 standards allow 35% lot coverage, and 50% with hardscape. That is different than the allowable increase for expansion and/or remodel. If the MUR-45' zone allows single-family to the R-6 standards, then that 1,000 square foot or 50% increase would no longer apply. Homes can fully build out to the R-6 standards. Ms. Redinger commented that there appears to be some confusion. SMC 20.30.280(C)(4) deals with nonconforming uses and states that expansion would be limited to 50% of the total square footage or 1,000 square feet. The R-6 standards allow for a 50% lot coverage. The sub-motion currently on the floor would not accomplish Commissioner Moss-Thomas' intent to apply the provision to existing homes rather than new construction.

COMMISSIONER MOSS-THOMAS ALTERED HER SUB-MOTION TO CHANGE THE 1ST PARAGRAPH OF SMC 20.40.506 TO READ, "SINGLE-FAMILY DETACHED DWELLINGS THAT DO NOT MEET THE MINIMUM DENSITY ARE PERMITTED IN THE MUR-35' ZONE AND IN EXISTING SINGLE-FAMILY RESIDENCES IN THE MUR-45' ZONE SUBJECT TO THE R-6 DEVELOPMENT STANDARDS IN SMC 20.50.020. SHE FURTHER MOVED THAT SMC 20.30.280(C)(4) BE AMENDED BY REMOVING THE WORDS "AND MUR-45."

Ms. Redinger clarified that the motion would make the MUR-35' and MUR-45' zones the same. If you are doing one house, the R-6 zoning standards would apply. If you are doing multiple houses, the MUR-35' or MUR-45' standards would apply, keeping in mind that the Commission has not yet decided whether or not minimum density would apply in MUR-35'.

COMMISSIONER CHANG SECONDED THE MOTION.

Commissioner Mork asked Commissioner Malek to share his opinion about whether approval of the amendment would allow the City to reach minimum density over a period of 40 years. Commissioner Malek answered that depreciation on a standard single-family residence is 27.5 years. Single-family residential properties will not go 40 years without some sort of depreciation being addressed through maintenance and remodel. His hope would be that the code discourages this and actually encourages denser development in the MUR-45' zone. While he cannot anticipate how future redevelopment will go, he can say that like begets like. The more townhomes and higher density that is developed, the more comfort homeowners and builders will feel towards redeveloping to the MUR-45' standards. The goal should be to encourage MUR-45' development, which will lead to improved value. He said he is concerned that the proposed amendment will discourage the kind of density envisioned for the MUR-45' zone, but he sees its place in the MUR-35' zone.

Commissioner Mork asked if Commissioner Malek would feel less concerned if the provision for MUR-45' included a sunset date. While the concept is heartfelt, Commissioner Malek said he does not understand how well it would work. He would prefer to move the provision forward as originally proposed by staff, where MUR-35' does not have a minimum density and existing single-family homes are allowed to continue in perpetuity. However, he would not want these same provisions to apply to the MUR-45' zone.

Commissioner Moss-Thomas pointed out that, as currently written, the MUR-45' zone would have a minimum density requirement. She asked if Commissioner Malek felt the requirement would have an impact on redevelopment. Commissioner Malek answered that maintaining the minimum density requirement would address some of his concern, since the provision would only apply to existing single-family homes and not new development.

Commissioner Mork asked if the sub-motion, as proposed, would allow a property owner in the MUR-45' zone to replace an existing home. Mr. Szafran answered affirmatively.

Commissioner Malek said he is opposed to the sub-motion because it would delay future redevelopment in the MUR-45' zone, which was designed to encourage development. He referred to redevelopment at Greenlake, Ballard, etc. where taking baby steps towards change resulted in poor development. People tend to try and then leave within about seven years rather than taking pride of ownership. He does not like the idea of taking baby steps in the MUR-45' zone, but it would be acceptable in the MUR-35' zone. He thinks the code is written well enough as currently proposed.

Commissioner Moss-Thomas asked if existing homes in the MUR-45' zone could continue as a nonconforming use if the language is not amended as currently proposed. Ms. Redinger answered that single-family residential would be a permitted use in the MUR-45' zone, and the only nonconformance would be with regard to not meeting minimum density. Chair Craft emphasized that leaving the code as currently written would limit an existing homeowner's ability to remodel or expand the home. They are talking about a long development horizon, and they are encouraging development by going forward with a Subarea Plan that creates much denser zoning in specific areas. But he felt they should allow existing residents in the MUR-45' zone the same opportunities as those in the MUR-35' with regard to the R-6 standards if they choose to stay in their homes. Arbitrarily setting standards in the MUR-45' zone relative to expansion and/or remodel is unfair. He said he does not see that the proposed amendment would create any road blocks to the kind of density they are looking for. The market has not suggested that would happen, either. The amendment would allow the City to accomplish its goal of allowing the neighborhood to evolve over time. It would also create a balance between adding density overall and allowing existing family homeowners to have the same opportunities as their neighbors in the MUR-35' zone.

Again, Commissioner Moss-Thomas voiced support for a lot-coverage standard in MUR-45' that would allow existing single-family homes to expand vertically, without making the footprint more than 1,000 square feet larger. Chair Craft pointed out that the existing R-6 standards would apply to existing single-family homes in the MUR-45 zone, which includes a 50% lot coverage limitation. Ms. Redinger clarified that the nonconforming provision that applies to the MUR-45' zone limits additions to 50% or

1,000 square feet. Existing homes in the MUR-35' would be subject to the R-6 standard relative to lot coverage, which means that expansion could go up or out, as long as it does not exceed the lot coverage allowed. The sub-motion would simply apply the R-6 standards to existing homes in the MUR-35' and MUR-45' zone.

Commissioner Malek asked Commissioner Maul how realistic it is, from an architectural standpoint, to expand the existing housing stock up to four stories. Commissioner Maul said it would be unusual and contrary to everyone's fear about mega houses. He questioned why the City would want to encourage 4-story, single-family development under the R-6 standard. They do not allow this type of development anywhere else in the City. The point is to allow current owners in areas that are being rezoned to MUR-45' to continue and feel free to add on up to R-6 standards as they want, and that seems perfectly reasonable to him. He said he does not see the need to consider the concept of 4-story single-family houses.

Vice Chair Montero commented that the current sub-motion is specific to existing single-family homes in the MUR-45' zone and very different from the original motion that applied to new construction, as well.

THE AMENDMENT TO THE SUB-MOTION PASSED BY A VOTE OF 4-3, WITH CHAIR CRAFT AND COMMISSIONERS MALEK, MONTERO AND CHANG VOTING IN FAVOR AND COMMISSIONERS MOSS-THOMAS, MAUL AND MORK VOTING IN OPPOSITION.

THE SUB-MOTION, AS AMENDED, FAILED BY A VOTE OF 3-4, WITH CHAIR CRAFT AND COMMISSIONERS MAUL AND CHANG VOTING IN FAVOR AND VICE CHAIR MONTERO AND COMMISSIONERS MOSS-THOMAS, MALEK AND MORK VOTING IN OPPOSITION.

- **Amendments 4 through 7 – Table 20.50.020(2) Dimensional Standards for MUR Zones**

Commissioner Mork referred to Amendment 4, which adds a minimum density requirement to the MUR-35' zone. She said she supports the application of R-6 standards for single-family residential development, and she also supports the MUR-35' standards that allow multiple houses to be constructed on a single lot. However, she is concerned that the MUR-35' standards would allow two mega homes to be constructed on a single lot. This model of two very large homes that collectively cover 85% of the lot is the worst of all worlds. It does not appreciably increase density, and it takes away the appearance of an R-6 development with maximum hardscape of 50%. For that reason, she believes they need to have some amount of minimum density. She asked staff to explain why they are proposing a minimum density of 12 units per acre. Mr. Szafran recalled that, in the early phases of subarea planning, the MUR-35' zone related closely with the R-18 type zoning designation, which had a minimum density of 12. Commissioner Mork said she supports the minimum density requirement as outlined in Amendment 4.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO CHANGE TABLE 20.50.020(2) TO SAY, "UP TO xx FT" INSTEAD OF "MAXIMUM." COMMISSIONER MAUL SECONDED THE MOTION.

Commissioner Moss-Thomas suggested that the table would be clearer if it did not talk about both maximum and minimum in a single statement. The intent is to allow the Public Works Department to review proposals for development on NE 145th Street and other arterials and identify the amount of setback needed for future infrastructure improvements. Although zero lot line development is allowed under some scenarios, the City does not want development to encroach into rights-of-way that may be needed for future expansion of the roadway. Mr. Szafran noted that this was clarified in Footnote 14, but changing the phrase used in the table would make it even clearer. Ms. Redinger expressed her belief that using the words "up to XX ft." would mean the same as "maximum," and the amendment would not materially change the intent.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR CRAFT MOVED TO AMEND THE MAIN MOTION TO CHANGE THE BASE DENSITY DWELLING UNITS PER ACRE STANDARD FOR THE MUR-70' ZONE IN TABLE 20.50.020(2) FROM 48 TO 80 UNITS AND STRIKE THE 20,000 SQUARE FOOT MINIMUM LOT AREA. COMMISSIONER MAUL SECONDED THE MOTION.

Chair Craft said the Commission previously identified 20,000 square feet as a standard minimum under which you can develop in the MUR-70' zone. However, after further discussion with staff and doing his own research, he does not believe that arbitrarily linking density to square footage would be the best approach. Establishing a standard of 80 units per acre would allow for greater flexibility in terms of lot usage and lot coverage, as well as opportunities for more creativity and flexibility within the MUR-70' zone.

THE MOTION CARRIED UNANIMOUSLY.

- **Amendment 8 – SMC 20.50.020 Dimensional Requirements**

Commissioner Moss-Thomas summarized that Amendment 8 would add a provision that minimum density calculations in the MUR zones that result in a fraction shall be rounded up to the next whole number.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION SO THAT WHEN CALCULATING MIMIMUM DENSITY TO ROUND UP WHEN IT IS FIVE OR MORE AND DOWN WHEN IT IS UNDER FIVE. COMMISSIONER CHANG SECONDED THE MOTION.

Mr. Szafran referred to the illustration provided earlier and noted that if density is rounded down, it could result in two mega houses rather than three regular size homes.

COMMISSIONER MOSS-THOMAS WITHDREW HER MOTION.

- **Amendment 9 – SMC 20.50.120 Purpose**

There were no concerns or questions raised by the Commission relative to Amendment 9.

- **Amendment 10 – SMC Thresholds for Required Site Improvements**

No concerns or questions were raised relative to Amendment 10.

- **Amendment 11 – SMC 20.50.220 Purpose**

No concerns or questions were raised relative to Amendment 11.

- **Amendment 12 – SMC 20.50.230 Threshold for Required Site Improvements**

No concerns or questions were raised relative to Amendment 12.

- **Amendment 13 – SMC 20.50.230 Threshold for Required Site Improvements**

No concerns or questions were raised relative to Amendment 13.

- **Amendment 14 – SMC 20.50.240 Site Design**

Commissioner Moss-Thomas referred to SMC 20.50.240(C)(1)(i), which requires new development on 185th Street, NE 145th Street and 5th Avenue NE between NE 145th Street and NE 148th Street to provide all vehicular access from a side street or alley. Given the proposed relocation of the station, she questioned if it would be appropriate to extend the requirement beyond NE 148th Street. Ms. Redinger said the restriction on access is tied to the interchange on-ramp and not the station, itself. Mr. Szafran felt the provision is fine as written. Ms. Redinger agreed to review this provision further and provide the most accurate information to the City Council before final adoption.

- **Amendment 15 – SMC 20.70.320 Frontage Improvements**

No concerns or questions were raised relative to Amendment 15.

THE MAIN MOTION TO RECOMMEND ORDINANCE 756 TO THE CITY COUNCIL FOR APPROVAL WAS UNANIMOUSLY APPROVED AS AMENDED.

Ordinance 752 – Planned Action Ordinance (PAO)

COMMISSIONER MAUL MOVED TO RECOMMEND TO THE CITY COUNCIL THAT ORDINANCE 752, AN ORDINANCE DESIGNATING A PLANNED ACTION (PAO) FOR THE 145TH STREET STATION SUBAREA, BE ADOPTED AS PROPOSED BY THE PLANNING STAFF IN ATTACHMENT C TO THE AUGUST 18, 2016 STAFF REPORT, EXCEPT THAT EXHIBIT B OF THE ATTACHMENT SHOULD BE AMENDED TO REFLECT THE AMENDMENTS THE PLANNING COMMISSION JUST RECOMMENDED WITH ORDINANCE 756. COMMISSIONER MALEK SECONDED THE MOTION.

COMMISSIONER MOSS-THOMAS MOVED TO AMEND THE MAIN MOTION TO EXTEND THE PAO BOUNDARY ON THE EASTERN SEGMENT TO RUN NORTH FROM NE 145TH STREET ALONG 12TH AVENUE NE SO THAT EVERYTHING EAST OF 12TH AVENUE NE WOULD BE ADDED TO THE PAO. CHAIR CRAFT SECONDED THE MOTION.

Commissioner Moss-Thomas said she has spent some time walking through the area, and it does not make sense to split the PAO boundary midblock between 12th and 15th Avenues NE. Although the properties zoned MUR-35' would have to adhere to a 35-foot height limit, it would make sense to include them as part of the PAO. As she stated previously, she believes there will be more short-term action from 15th Avenue NE going west towards 12 Avenue NE until after the station opens. She noted there are no critical areas to consider. Ms. Redinger clarified that the amendment would not impact the phased zoning. It would only affect what is included under the PAO and what projects would come in as a Planned Action in that area.

Commissioner Chang questioned if the proposed amendment would make a difference given that development in the MUR-35' zone is not likely to hit State Environmental Policy Act (SEPA) thresholds. Development in the MUR-45' could reach beyond the thresholds, depending on the size of the lot and the density proposed. Chair Craft said he was prepared to recommend a reduction in the PAO boundary to include only the MUR-45' and MUR-70' zones.

Commissioner Maul referred to Section 3.C.1, which outlines the types of land uses that qualify as Planned Action Projects. He specifically noted that item a.ii states that qualified land uses are those that are within one or more of the land use categories studied in the Environmental Impact Statement (EIS). That means the PAO would only apply to development that is more than a single-family detached house. He questioned what impact including these additional properties within the PAO boundaries would have. The MUR-35' will not accommodate a lot of multi-family and commercial development, and including it as part of the PAO will result in a lot more mitigation measures that might not be justified.

Commissioner Chang said her understanding is that properties within the PAO Boundaries would not require the additional mitigation unless the proposed development meets the SEPA threshold. Ms. Redinger explained that mitigations would be required when any project comes in, including traffic modeling and traffic improvements. For example, when a development requires an additional 1/3 of a traffic light, the City has a formula that allows the City's Traffic Engineer to assess the cost and charge the developer. Staff is confident that the mitigations, as a whole, are covered under the City's permit application process. Regardless of whether a project is within the PAO Boundary or not, the City will track the unit count, trip count, and mitigations over time so they know how the full buildout is tracking against the PAO. She said she does not anticipate that the mitigation would be significantly different whether a project falls under the PAO or not or whether it trips the SEPA threshold or not. The same is true for utilities, etc.

Commissioner Moss-Thomas clarified that, even if the properties are included as part of the PAO, a developer could decide whether or not to use the PAO standards. Ms. Redinger agreed, but if they don't they would have to do their own SEPA review if the project exceeds the threshold. It wouldn't make sense for them to do their own SEPA analysis when they can just fill out the checklist and the City will issue a determination of consistency. Commissioner Moss-Thomas asked what the limits are to trip

SEPA. Mr. Szafran said it is 30 detached single-family homes, 60 multifamily units, or 30,000 square feet of commercial space. Although it is possible, Commissioner Maul noted that a developer would have to consolidate a large number of lots in the MUR-35' zone in order to trip the SEPA threshold. Requiring this additional mitigation could result in a financial hardship for developers who want to maximize the density of the zone. Ms. Redinger emphasized that mitigation would be required for each project, regardless of whether it trips the SEPA threshold or not.

Commissioner Moss-Thomas expressed her belief that there is potential for larger developments within the MUR-35' zone, particularly between 12th and 15th Avenues NE where there are a number of single-family residential homes that are ripe for redevelopment. She does not see how the change would hurt anyone, but it may encourage development. It addition, it would eliminate the situation where the boundary splits in the middle of a block.

Commissioner Maul raised the question of whether including the properties in the PAO would be a benefit and encourage development or a distraction that slows development down. Given the minimum density of 12 units per acre in the MUR-35' zone, 35 acres would be required to develop the 60 multifamily units that would trip the SEPA threshold. He questioned the likelihood of such a large aggregation of property. He also questioned whether it would it be a benefit for developers of projects that are below the SEPA threshold to opt into the PAO. The only real benefit he sees is that it would streamline the SEPA review, but it would more than likely require more mitigation.

Ms. Redinger cautioned the Commission to be careful about tinkering with the boundaries of the PAO because the current boundaries are tied to specific mitigation measures that were identified in the FEIS for Phase 1. Changing the boundaries of the PAO will require that the mitigation measures also be updated to be consistent. Another option would be to change the boundary to match the entire subarea and rely on the sunset clause. She emphasized that the PAO is not an unlimited path to growth.

Commissioner Moss-Thomas said she is not firmly wedded to the boundary change. Her intent is to find ways to encourage development in the subarea. She can support the boundaries as they currently exist, as well.

Chair Craft summarized that some of the boundary changes would impact the mitigation required in the supplemental documents, and the mitigations would have to be reanalyzed. Ms. Redinger explained that if properties not included in the PAO are later aggregated, they would be required to do their own SEPA, but they could use information from the PAO. Chair Craft noted that mitigation requirements for either option would be very similar. Ms. Redinger said the differences are more about the process than about mitigations.

CHAIR CRAFT MOVED TO AMEND THE SUBMOTION TO CHANGE THE PAO BOUNDARIES TO EXCLUDE THE MUR-35' ZONES AND INCLUDE ALL THE MUR-45' AND MUR-70' ZONES. COMMISSIONER MAUL SECONDED THE MOTION.

Chair Craft expressed his belief that including all of the MUR-45' and MUR-70' zones as part of the PAO would be an effective use of the PAO. However, tipping the SEPA threshold in the MUR-35' zone would be challenging, and he is not sure the PAO process would be appropriate.

Commissioner Malek asked if SEPA would be required if a developer accumulated five acres and chooses to do a phased development. Assistant City Attorney Ainsworth-Taylor answered that SEPA does not allow developers to hide under phasing. If the projects are dependently linked amongst each other that will be captured under the SEPA statute.

THE MOTION TO AMEND THE SUBMOTION, WHICH WOULD CHANGE THE PAO BOUNDARIES TO EXCLUDE ALL OF THE MUR-35' ZONES AND INCLUDE ALL OF THE MUR-45' AND MUR-75' ZONES, WAS UNANIMOUSLY APPROVED.

COMMISSIONER MOSS-THOMAS' SUBMOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.

Commissioner Mork requested an explanation of how the public would be notified of a Determination of Consistency. Assistant City Attorney Ainsworth-Taylor referred to Section 3 of the PAO, which outlines the permit process. The public notice afforded in the statute rides with the underlying project application, so Notice of Determination would get the same notice that the underlying project application gets. Under the statutes of SEPA, no other notice would be required other than that required by the application. Commissioner Mork asked if projects within the PAO that are large enough to trigger SEPA would have a public notice requirement. Assistant City Attorney Ainsworth-Taylor clarified that if a developer is seeking a Determination of Consistency under the PAO, there would be no requirement unless the development application for the project requires some kind of outward public notice. Commissioner Mork voiced concern about the process and felt the public should be notified of large projects in their area.

Director Markle advised that if the Commission wants to require notice for Planned Actions, the Development Code would need to be amended to add the requirement. Assistant City Attorney Ainsworth-Taylor further clarified that a building permit application, in and of itself, regardless of the size of the project, would not, by law, require direct public notice. However, projects that go through regular SEPA rather than taking advantage of the PAO would be subject to the threshold determination for SEPA, which has a notice provision. As per the PAO, the notice requirement would be tied to the underlying project permit. In order to incorporate Commissioner Mork's recommendation, the Commission would need to modify Section 3.F.4.d of the PAO, as well as the notice tables in Title 20. Chair Craft summarized that, as currently written, if there is no notice requirement for the underlying development permit, there would be no notice requirement for the project.

Vice Chair Montero voiced concern that placing a sign on a property to advertise a proposed project would give the assumption that the City is asking for comments and that public comments can impact the outcome of a project. Chair Moss-Thomas commented that placing a notice on the property could advise the public to stay tuned for an upcoming building permit, at which point they could appeal either the building permit or the Planned Action Status. As currently written, there would be no notice when a Determination of Consistency is issued. Commissioner Mork said her intent is that the notice requirement would apply to just the properties within PAO boundaries of both the 185th and 145th Street Station Subareas. She said she is particularly concerned about circumstances when the public would

have no reasonable ability to know of a Planned Action Project other than at the time of the Notice of Consistency or Inconsistency.

Assistant City Attorney Ainsworth-Taylor reminded the Commission that if they amend Ordinance 752 to include a notice requirement for Planned Action projects, it would leave the PAO for the 185th Street Station Subarea at a different standard. Future action would be needed to reconcile the two by amending the 185th Street PAO.

To clarify further, Assistant City Attorney Ainsworth-Taylor explained that once a Determination of Consistency has been issued by the City, citizens can appeal a determination if they feel it does not meet the qualifications of a Planned Action project. The burden of proof would be upon the appellant to show evidence that the City errored in finding that the proposed project met the qualifications of the PAO and that the impacts are addressed sufficiently within the ordinance and the attached FEIS.

Commissioner Moss-Thomas pointed out that the notification would come after the PAO determination has been issued. Ms. Redinger explained that projects that came in under the PAO are issued a Determination of Consistency or Determination of Inconsistency, and projects that come in under the SEPA process are issued a Determination of Significance, Determination of Non-significance or a Mitigated Determination of Non-significance. The timeline for each process would be the same.

The Commission discussed the best time for the public notice to occur. Commissioner Mork said she supports the notification coming after a determination has been issued relative to the PAO. This would let people know that a decision has been made. Vice Chair Montero pointed out that most large apartment projects will place a large billboard at the front of the property to advertise that the new development is coming, but Commissioner Chang voiced concern that the billboard might not be in place until after the appeal period has expired. Assistant City Attorney Ainsworth-Taylor advised that the window for appealing a Determination of Consistency to Superior Court is 21 days after the determination has been issued.

Vice Chair Montero asked if an appeal of a Determination of Consistency would stop the project. Assistant City Attorney Ainsworth-Taylor answered that the Land Use Petition Act (LUPA) does not stay the effectiveness of a permit during the appeal unless it is specifically asked for by the appellant. If the Commission incorporates a notice requirement into the PAO, Assistant City Attorney Ainsworth Taylor requested additional direction as to what the public notice should be. She explained that the City uses a variety of mechanisms for notice (posting on the website, posting on the site, mailing to individuals, publications, etc.) Commissioner Mork said she would like the notification to be posted on the City's website and on the project site.

COMMISSIONER MORK MOVED TO AMEND THE MAIN MOTION TO ADD ADDITIONAL LANGUAGE TO SECTION 3.F.4.d OF THE PAO TO REQUIRE MINIMAL PUBLIC NOTICE ON THE DECISION OF CONSISTENCY OR NOT CONSISTENCY ON THE CITY'S WEBSITE AND ON THE PROJECT SITE. COMMISSIONER CHANG SECONDED THE MOTION.

Commissioner Malek explained that the initial PAO is designed as a streamlined process. Decisions of Consistency will be issued for projects that meet certain criteria and/or qualifications and citizens can challenge the decision within a 21-day appeal period. Assistant City Attorney Ainsworth-Taylor also pointed out that citizens can file appeals on other project applications that are subject to challenge. Commissioner Malek said he does not support the motion to require notification.

Commissioner Moss-Thomas said she understands the intent of wanting to have transparency, but she is not sure what the notice requirement would accomplish if a citizen's only recourse would be to file suit based on the belief that the Determination of Consistency was improperly issued. Commissioner Mork argued that while neighbors may not want to challenge a decision in court, they will likely be interested in knowing that a decision was made. This will allow them to make decisions on their own life and investments based on the notice.

Once again, Commissioner Malek noted that the idea behind the PAO is to streamline the process. While he recognizes the need for transparency, it is important to note that these areas have already been relegated to high density (MUR-45' and MUR-70') via the Subarea Plan. Adding a notice requirement would be cumbersome, burdensome and counterintuitive to what the PAO is designed to do.

THE SUBMOTION FAILED BY A VOTE OF 3-4, WITH CHAIR CRAFT, AND COMMISSIONERS MORK AND CHANG VOTING IN FAVOR, AND VICE CHAIR MONTERO AND COMMISSIONERS MOSS-THOMAS, MAUL AND MALEK VOTING IN OPPOSITION.

THE MAIN MOTION TO ADOPT ORDINANCE 752, AS AMENDED, WAS APPROVED BY A VOTE OF 6-1, WITH CHAIR CRAFT, VICE CHAIR MONTERO, AND COMMISSIONERS MAUL, MOSS-THOMAS, MALEK AND MORK VOTING IN FAVOR AND COMMISSIONER CHANG VOTING IN OPPOSITION.

Assistant City Attorney Ainsworth-Taylor recalled that, at the beginning of the meeting, Chair Craft mentioned that the Commission would continue to accept written public comment. She explained that the Commission's work on the 145th Street Station Subarea Plan Package is now complete, and any future public comments will be directed to the City Council.

Chair Craft closed the public hearing and thanked the staff, public and Commissioners for their hard work on the Subarea Plan package.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

Easton Craft	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Updating Regulations for Transitional Encampments**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Kim Lehmberg, Associate Planner** **Steve Szafran, Senior Planner** **Rachael Markle, AICP, Director**

☐ **Public Hearing** x **Study Session** ☐ **Recommendation Only**
☐ **Discussion** ☐ **Update** ☐ **Other**

INTRODUCTION

Presented are proposed amendments to the City's Transitional Encampment regulations. These amendments are intended to:

- Simplify and streamline the permitting process by creating a "Transitional Encampment Permit," expressly for the use;
- Remove the fee for the permit;
- Provide a timeline for encampments for 90 days with the possibility for extension up to six months; and
- Clarify the encampment regulations in the Code.

BACKGROUND

Council Resolution No. 379, passed December 14, 2015, directs Staff to review City policies and codes that may create barriers for those experiencing homelessness and to continue support of the City's human service partner agencies. These amendments have been initiated in part to facilitate churches and other human service organizations to provide people that are experiencing homelessness with temporary and safe shelter without excessive process or expense.

Transitional encampments set up to provide housing for persons experiencing homelessness have been hosted numerous times in Shoreline, mostly at churches. The process for these encampments has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval are not necessarily relevant to the encampment. There is also a fee that is currently $322.50, which can be considered a barrier in providing services to persons experiencing homelessness.

Shoreline Municipal Code (SMC) Section 20.30.070 describes the process and procedures for Type L, Legislative decisions. Amendments to the Development Code are Type L decisions that include a hearing and recommendation by the Planning Commission and action by the City Council.

Approved By: **Project Manager** ____ **Planning Director** ____

Criteria for Development Code amendments under SMC 20.30.350 are as follows:

1. The amendment is in accordance with the Comprehensive Plan; and

2. The amendment will not adversely affect the public health, safety or general welfare; and

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Council Resolution No. 379, adopted April 25, 2016, supported King County's declaration of emergency due to homelessness, and expressed the City's commitment to work with King County and partner agencies on plans to address homelessness. The proposed amendments are an attempt to address some of the barriers agencies face when providing emergency shelter for the homeless. Stakeholders have presented to Council and met with Staff to discuss how to incorporate some of these ideas into the Development Code.

The Planning Commission previously reviewed the homeless encampment ordinance in the Fall of 2015. In December of 2015 Council adopted Ordinance 731, amending the indexed criteria for Tent City and renaming the use from "Tent City" to "Transitional Encampments." The ordinance added language to the standards to reasonably and reliably identify potential residents and check for sex offenders and people with warrants. The Commission had recommended adoption of this change in October 2015 without comment.

Stakeholders have presented these and other issues in relation to homelessness to Council several times over the past ten months. Staff has also met with stakeholders, including representatives from churches and others that have hosted encampments, and received direct input into these issues during the same time period. Given the direction from Council and input from stakeholders, staff further refined the regulations.

PROPOSAL & ANALYSIS

The proposed amendments to the Code are summarized below and presented in full on Attachment A.

1. Definitions: SMC 20.20.034 & 20.20.048: Add definitions for "Managing Agency" and "Transitional Encampments."
2. Table 20.30.040 Procedures: Add "Transitional Encampment Permit" as a Type A permit.
3. Neighborhood Meeting 20.30.045: Clarify that a neighborhood meeting is required for Transitional Encampment Permit proposals.
4. Use Tables: Allow Transitional Encampments in all zoning districts. Change name of use in Campus zones from "Tent City" to "Transitional Encampments" to reflect the current nomenclature.
5. Add additional standards and clarifications to the indexed criteria: Most of these are standard conditions that have been required under the Temporary Use Permit process. The setback standard is additional and is designed to protect

neighbors from potential impacts from having an encampment close by. The timeline has also been extended and clarified.

The proposed amendments are based on Council direction to address the homelessness crisis in general, and Transitional Encampments in particular. These revisions will make it easier for entities in good standing with appropriate sites to obtain permits for camps, while protecting single-family neighborhoods from the uncertainty of being in close proximity to Transitional Encampments. Standard conditions, that have been added to all previous Temporary Use Permit approvals for transitional encampments, are proposed by staff to be added to the code.

Relevant Comprehensive Plan policies that support the amendments are as follows:

- Housing Goal H VII: *"Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries."*
- Housing Policy #H11: *"Encourage affordable housing availability in all neighborhoods throughout the city, particularly in proximity to transit, employment, and/or educational opportunities."*
- Housing Policy #H19: *"Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city."*
- Housing Policy #H25: *"Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations."*
- Housing Policy #H29: *"Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless."*
- Housing Policy H31: *"Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs."*

TIMING AND SCHEDULE

Next Steps:
The Transitional Encampment Code Amendments are being processed parallel with the larger code amendment batch for 2016. The following is the proposed schedule:

October 20	Planning Commission meeting: Discuss 2016 code amendments
November 17	Planning Commission meeting: Discuss 2016 code amendments
December 1	Planning Commission Public Hearing (***tentative – may be able to have this hearing in November)***
December/January 2017	City Council Study Session and Adoption of 2016 Development Code amendments

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council on the proposed Transitional Encampment amendments.

ATTACHMENT

Attachment A - Proposed Amendments with specific justification.

Amendment #1 - Definitions.
This proposal adds a definition of a "Managing Agency" to clarify the application requirements. This helps to ensure that there is an entity with responsibility for compliance with the requirements of the camp. A definition of "Transitional Encampments" is added to differentiate it from a back yard camp-out for children or other family members.

20.20.034 M definitions.

Managing agency: Managing agency means an organization that organizes and manages a transitional encampment.

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless, organized by a managing agency or religious organization.

Amendment #2 Procedures and Administration
Adds Transitional Encampment Permit as a Type A action. This allows to City to create a simplified application process and a checklist with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at $0. A line item is being proposed in the 2017 budget to reflect this under SMC 30.01.010(G) Land use (23).

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180

Action Type	Target Time Limits for Decision (Calendar Days)	Section
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17, Transitional Encampment Permit	15 days	20.40.535

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #3 Neighborhood meeting
This is not a new requirement – it has been in the indexed criteria since 2005 and that is not proposed to change. This amendment clarifies the requirement by including it with the other neighborhood meeting requirements for certain Type A proposals.

20.30.045 Neighborhood meeting for certain Type A proposals. SHARE

1. A neighborhood meeting is required for Transitional Encampment Permit proposals.

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the

neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC 20.30.090 for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

Amendment #4 – Use Tables.
This proposal allows Transitional Encampments in all zones, removing a barrier to locating in Town Center or Campus zones. It also clarifies the name, which was missed during the last code amendment process.

20.40.120 Residential uses. SHARE

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Affordable Housing	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Apartment		**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Duplex	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**			
	Home Occupation	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Manufactured Home	**P-i**	**P-i**	**P-i**	**P-i**				
	Mobile Home Park	**P-i**	**P-i**	**P-i**	**P-i**				
	Single-Family Attached	**P-i**	**P**	**P**	**P**	**P**			
	Single-Family Detached	**P**	**P**	**P**	**P**				
GROUP RESIDENCES									
	Boarding House	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Community Residential Facility-I	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Community Residential Facility-II		**C**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
721310	Dormitory		**C-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
TEMPORARY LODGING									

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
721191	Bed and Breakfasts	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
72111	Hotel/Motel						**P**	**P**	**P**
	Recreational Vehicle	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
	Transitional Encampment	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	P-i
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

20.40.150 Campus uses. SHARE

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Housing for Disabled Persons	P-m	P-m		
	Library	P-m		P-m	P-m
	Light Manufacturing		P-m		P-m
	Maintenance Facilities for On-Site Maintenance	P-m	P-m	P-m	P-m
	Medical-Related Office or Clinic (including personal care facility, training facilities, and outpatient clinic)	P-m	P-m	P-m	P-m
	State Owned/Operated Office or Laboratory		P-m	P-m	P-m
	Outdoor Performance Center	P-m			P-m
623	Nursing and Personal Care Facilities	P-m	P-m		P-m
	Performing Arts Companies/Theater	P-m			P-m
	Personal Services (including laundry, dry cleaning, barber and beauty shop, shoe repair, massage therapy/health spa)	P-m	P-m		P-m
	Power Plant for Site Use Power Generation Only		P-m	P-m	P-m
	Recreational Facility	P-m	P-m		P-m
	Recreation Vehicle	P-i			
	Research Development and Testing		P-m	P-m	P-m
	Residential Habilitation Center and Support Facilities	P-m	P-m		
6111	Secondary or High School	P-m			P-m
	Senior Housing (apartments, duplexes, attached and detached single-family)	P-m			
	Social Service Providers		P-m		P-m
6116	Specialized Instruction School	P-m	P-m		P-m
	Support Uses and Services for the Institution On Site (including dental hygiene clinic, theater, restaurant, book and video stores and conference rooms)	P-m	P-m	P-m	P-m
	~~Tent City~~ Transitional Encampments	P-i	~~-~~P-i	~~-~~P-i	~~-~~P-1
	Wireless Telecommunication Facility	P-i			P-i

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
P = Permitted Use					
P-i = Permitted Use with Indexed Supplemental Criteria					
P-m = Permitted Use with approved Master Development Plan					

Amendment #5 Indexed Criteria

These additions to the ordinance mostly reflect the typical conditions that Staff has attached to past Temporary Use Permits for encampments. New code language includes the new permit type, the provision for a minimum 20 foot setback from property lines, an allowance for up to a six-month stay with the possibility of extension, and a once per year restriction. The following describes the intent of each of these changes in more detail:

20.40.535.A: The process for past camps has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval aren't necessarily relevant to the encampment. There is also a fee that is currently $322.50. A separate permit type specific to Transitional Encampments allows to City to create a simplified application process and a checklist, with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at $0.

20.40.535.F: The minimum setback requirement is in response to the possibility of camps being hosted on sites that may be too small for the use. An encampment located on a single-family parcel will tend to have greater impact to neighboring properties than one hosted by a church, which typically will have a much larger lot size.

20.40.535.H: Under the Temporary Use Permit code, uses are allowed for 60 days, although the Director has the discretion to extend them for up to a year. For past encampments, an expiration of 90 days has been typical because that is the timeline that was originally requested by early Tent Cities and what was approved by the City of Seattle, which was one of the first jurisdictions in the region to have an ordinance governing such encampments. Recent encampments have sometimes had difficulty lining up a new place to move after just three months. Also, some of the campers have jobs or children in school which can make moving a difficulty. The initial term of the encampment would continue to be the standard 90 days, with a possibility for an extension up to six months.

20.40.535.I: Limiting the encampments to once per calendar year keeps them from becoming a permanent fixture; further protecting neighboring properties from impacts associated with the use. It also allows a host to continue to host an encampment at the same time each year.

20.40.535 Transitional encampment. 

A. Allowed only by Transitional Encampment ~~temporary use p~~Permit (TEP).

B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.

C. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.

D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders.

E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment. (Ord. 731 § 1 (Exh. A), 2015; Ord. 368 § 2, 2005).

F. Setback, site and screening requirements:

1. Encampments must be set back from neighboring property lines a minimum of 20 feet. Smoking areas must be designated and be located a minimum of 25 feet from neighboring property lines.
2. A fire permit is required for all tents over 400 square feet. Permit fees are waived.
3. All tents must be made of fire resistant materials and labeled as such.
4. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.
5. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.
6. Emergency vehicle access to the site must be maintained at all times.
7. Security personnel shall monitor entry points at all times. A working telephone shall be available to security personnel at all times.

G The shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times without prior notice for compliance with the conditions of this permit. An inspection will be conducted by the Shoreline Fire Department after opening.

H. Encampments may be allowed to stay under the Transitional Encampment Permit for up to 90 days. A TEP extension may be granted for up to six months, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TEP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

I. Agencies may host an encampment no more often than once per calendar year.

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**2016 Development Code Amendments include the following topics and more: a New Home Ownership option; addressing the moratorium on Self-Service Storage; Reduction to the side yard setback and associated nonconformance in the R-4 and R-6 zones; Beekeeping; Fences in single family front yards; Prohibit new fuel and service stations as a use in Town Center; and allow Light Manufacturing in the Mixed Business zone**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Steven Szafran, AICP, Senior Planner** **Paul Cohen, Planning Manager**

☐ **Public Hearing** ☒ **Study Session** ☐ **Recommendation Only**
☐ **Discussion** ☐ **Update** ☐ **Other**

Introduction

Every year, miscellaneous Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. There are 34 proposed Development Code amendments for 2016.

One Development Code amendment application was submitted by a citizen. This amendment proposes to amend criteria for an Accessory Dwelling Unit (ADU). Specifically, the amendment proposes to strike the requirement that the property owner or immediate family member live in one of the units and also proposed to strike the requirement for an additional off-street parking space.

Staff did not include the ADU amendment with this batch of amendments. First, the proposed amendment application was submitted as the initial batch was being finalized so staff did not have the opportunity to solicit comment from other city departments. Second, the city may embark on a more comprehensive project that studies not only ADU's, but other opportunities to promote affordable housing options. Third, the topic of ADU's is an involved and requires a wide range of involvement from property owners and other interested parties.

The 2016 batch of Development Code amendments are generally minor changes to clarify existing regulations, reduce confusion, codify Administrative Orders, and respond to the changing needs of the City. There are minor amendments to 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 –

General Development Standards, 20.70 – Engineering & Utilities Development Standards, and 20.100 – Special Districts.

There are proposed amendments that may be of interest to the community that staff would like to point out below:

- Unit Lot Development (20.20.050, 20.30.410(D))

  Unit Lot Development is an improved process to create more housing options and home ownership opportunities by reducing unnecessary regulatory barriers.

- Self-Service Storage Facilities

  The City Council enacted a six (6) month moratorium on the acceptance of processing and/or approving applications or permits for any new self-service storage facilities on August 8, 2016. The Development Code is not clear as to where this use should be permitted. As part of the 2016 Development Code batch, the Planning Commission is now charged with making a recommendation to the City Council on where self-service storage facilities should be located and determine if any additional requirements should apply.

- Single-family residential setbacks and expansion of nonconforming structures

  Staff is proposing to eliminate the requirement that both of the side-setbacks in the R-4 and R-6 zone must equal fifteen (15) feet with the minimum side-setback being five (5) feet. Staff is suggesting that five (5) feet should be the minimum setback on each side yard.

  A related amendment is to delete SMC 20.50.090 in its entirety. This is the section that allows a homeowner to add onto a home that is nonconforming to setbacks. Staff believes by making the side-setbacks more flexible (5-feet minimum on each side), more homeowners will be able to expand their homes without the homes becoming nonconforming.
- Beekeeping

  Staff received a request from a small beekeeping business owner to review the City's beekeeping regulations in comparison to Seattle's. Recent changes to the City's beekeeping regulations have resulted in making it more difficult to site hives in Shoreline than in Seattle. Amendments are proposed for the public and Commission to consider that would change Shoreline's regulations to be more like Seattle's.

- Fences in single family front yards

  The Code currently recommends but does not require fences in front yards to be 3.5 feet or less in height when located on the property line in the R-4 and R-6 zones. Staff has proposed an amendment to remove this provision from the Code as a recommendation it is not enforceable. Should the height limit be

removed? Or would the community like to require the limitation instead of just recommending it?

- Prohibit new fuel stations as a use in Town Center

  Town Center is envisioned to be the heart of the City, the civic center. Allowed uses are intended to foster this sense of place and community. In an effort to promote this vision, staff is proposing that fuel and service stations not be listed as a permitted use the Town Center 2, 3 and 4 zones.

- Allowing Light Manufacturing in the Mixed Business zone
  Light manufacturing is a Special Use in the Mixed Business zone and is allowed outright in the Town Center 2, 3, and 4 zones. Since the uses in the Mixed Business zone are generally intended to be more intense than those in the Town Center 2, 3 and 4 zones and the fact that there is very limited land available for light manufacturing in Shoreline, staff proposed an amendment to allow light manufacturing in the Mixed Business zone outright for the public and Commission's consideration.

The description, justification, and recommendation for each of the above amendments are located in **Attachment 1**.

The purpose of this study session is to:

- Review the 2016 batch of Development Code regulations;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Background

SMC 20.30.350 states, "An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City". Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The 2016 batch of Development Code amendments consist of 34 Director initiated amendments.

The 2016 batch of amendments are organized by the Development Code chapter: 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 – General Development Standards, and 20.70 – Engineering and Utilities Development Standards.

The proposed amendments to the Development Code are included in **Attachment 1**. Each amendment includes a description of the amendment, justification for the amendment and staff recommendations for the amendment. After tonight's meeting, staff will update the attachment with Planning Commission's input going forward. If the Commission has questions or needs more information on a particular amendment, staff will update the attachment with that information as well.

Next Steps

The 2016 batch of Development Code amendments schedule is as follows:

October 20	Planning Commission meeting: Discuss 2016 batch
November 17	Planning Commission meeting: Discuss 2016 batch
December 1 ***(tentative)***	Planning Commission Public Hearing
January 2017 (tentative)	City Council Study Session and Adoption of 2016 Development Code amendment batch

Attachment

Attachment 1 – Proposed 2016 Development Code Amendments

DEVELOPMENT CODE AMENDMENT BATCH 2016

TABLE OF CONTENTS

19	20.40.340 – Duplex	Delete Entire Section
20	20.40.507 – Self-Service Storage Facilities	New Section - Add Criteria
21	20.40.510 – Single Family Attached Dwellings	Amend Criteria
22	20.40.600 – Wireless Telecommunication Facilities	Delete Notice of Decision for Wireless Facilities
	20.50 – General Development Standards	
23	Intentionally Blank	
24	20.50.020(1) – Dimensional Requirements	Combined Sideyard Setback
25	20.50.021 – Transition Areas	Add Aurora Square Community Renewal Area (CRA) Standards to the Section
26	20.50.040.I. 4, 5, and 6 – Setbacks	Setbacks for Uncovered Porches and Decks
27	20.50.070 – Site Planning – Front Yard Setback	Move 20-foot Driveway Requirement
28	20.50.090 – Additions to Existing Single-Family Residence (SFR)	Additions to Existing, Non-Conforming SFR
29	20.50.110 – Fences and Walls	Delete 3.5 foot Fence Height Limit
30	20.50.240(C)(1)(a) – Site Frontage	Strike “On Private Property”
31	20.50.330 – Project Review and Approval	Add NPDES Language
32	20.50.390(D) – Minimum Off Street Parking Requirements	Self-Service Storage Facility Parking
33	20.50.540(G) – Sign Design	Add Reference to Aurora Square CRA Sign Code
	20.70 – Engineering & Utilities Development Standards	
34	20.70.020 – Engineering Development Manual	Corrects Reference to EDM and Deletes Text
35	20.70.430 – Undergrounding of Electric and Communication Service Connections	Delete Section and Refer to Title 13
	20.100.020 – Aurora Square Community Renewal Area	
36	20.100.020 – Aurora Square Community Renewal Area (CRA)	Add a Reference to Ordinance 705

Amendment #1
20.20.016 – D Definitions

This proposed Development Code amendment will amend the definitions of various types of dwellings. The amendment will also combine these dwelling types into five distinct categories.

***Justification** – The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the dwelling definitions seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

This proposed Development Code amendment is related to amendments 11, 15, 19, and 21.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Dwelling, Apartment	A building containing ~~three or more~~ multiple dwelling units that are usually ~~may be are~~ located one over the other in a multi-unit configuration.
Dwelling, Duplex	A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit.
Dwelling, Live/Work	A structure or portion of a structure: (1) that combines a residential dwelling with a commercial use in a space for an activity that is allowed in the zone; and (2) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 706 § 1 (Exh. A), 2015).
Dwelling, Multifamily	Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above one over another. Apartments and mixed-use buildings with apartments are considered multifamily dwellings. ~~include: townhouses, apartments, mixed use buildings, single-family attached, and more than two duplexes located on a single parcel.~~ (Ord. 631 § 1 (Exh. 1), 2012; Ord. 299 § 1, 2002).
Dwelling,	A building containing ~~three or more~~ more than one dwelling unit attached by

Single-Family Attached	common vertical wall(s), such as townhouse(s), rowhouses, and duplex(s). Single-family attached dwellings shall not have units located one over another (except duplexes may be one unit over the other).(Ord. 469 § 1, 2007).
Dwelling, Single-Family Detached	A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.
~~Dwelling, Townhouse~~	~~A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.~~

Amendment #2
20.20.040 – P Definitions

This proposed amendment will update the definition of private stormwater management facility by adding the word "infiltrate" as a way to control surface water.

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

In 2015, the City contracted Brown and Caldwell (BC) to review the following codes, standards and documents;

- *Shoreline Municipal Code (SMC Chapter 12-20)*
- *Engineering Development Manual (EDM)*
- *Comprehensive Land Use Plan*
- *Stormwater Management Program (SWMP) Plan*
- *Critical Area Ordinance (CAO) standards*

There are three proposed Development Code amendments that are recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Private Stormwater Management Facility – A surface water control structure installed by a project proponent to retain, detain, infiltrate or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

Amendment #3
20.20.046 – S Definitions

There are two proposed amendments to the S Definitions. The first amendment is a minor amendment that updates the definition of formal and short subdivisions. The second amendment adds a definition for "Stormwater Manual".

***Justification** – The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

Subdivision, Formal - A subdivision of ten ~~five~~ or more lots.
Subdivision, Short - A subdivision of nine ~~four~~ or fewer lots.

***Justification** - The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development. The City does not have a definition of Stormwater Manual.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Stormwater Manual: The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology ("Stormwater Manual").

Amendment #4
20.20.050 – U Definitions

The City is open to consider improved processes and standards in order to create more housing options, reduce unnecessary barriers, and redefine other types of ownership. A Unit Lot

Development (ULD) is an alternative approach to the division of property. Other jurisdictions such as Seattle and Mountlake Terrace, have adopted ULD code amendments. This proposed amendment will add a definition of Unit Lot Development. Amendment #9 contains the regulations for ULD.

***Justification** – A ULD is a subdivision of ownership into fee simple units and does not require the same Building and Fire Code requirements for traditional, attached housing with a property line between the units. Traditional attached housing requires that each unit must be structurally independent and have fire separation as if they were not attached structures. This amendment allows the Building and Fire codes to treat a ULD as one building, such as an apartment building, for fire separation and structural requirements rather than as stand-alone units because of a property line internal to the development.*

Also, a ULD allows separate ownership of housing units within a "parent lot" without requiring condominium ownership and the State restrictions that accompany it. The ULD is permitted in zones where density supports multiple units on one lot. Currently, multiple units on one lot are allowed in all zones in Shoreline with different unit density limits per acre.

Under Amendment #9 these units will be considered individual units but part of one structure that cannot be segregated from one another. A ULD is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code.

Amendment #24 is a related amendment that will add ULD into Exception 2 in Tables 20.50.020(1) and 20.50.020(2).

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Unit Lot Development (ULD) – A Unit Lot Development (also known as a "Fee Simple lot") is the subdivision of land for single-family attached dwelling *units*, such as townhouses, rowhouses, or other single-family attached dwellings, or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

Amendment #5

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

This amendment will strike "home occupations" from the Type A permit table and add "planned action determination" to the table.

***Justification** – The City no longer requires or processes Home Occupation permits. A home occupation is applied for through the City Clerk's office through the business licensing program. When the City instituted the business licensing program, the home occupation permit process became redundant.*

The second amendment adds the Planned Action Determination of Consistency to the Type A action table. The determination of consistency is required for projects that require SEPA review within Planned Action areas such as the 145th and 185th Street Station Subareas.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. ~~**Home Occupation,**~~ Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, ~~20.40.400~~
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17. Planned Action Determination	**14 days**	**20.30.360**

Amendment #6
20.30.280 – Nonconformance.

This Development Code provision speaks to the additions of single-family homes which are a nonconforming use in the MUR-45' and MUR-70' zones. The structures may be conforming in terms of setbacks, lot coverage, and height but the use is not. This is why staff is recommending that this provision move from expansions of nonconforming structures to expansions of the nonconforming use section.

***Justification** – This proposed amendment is moving a section of the Development Code. The provision of "single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones" should not be in expansions of a nonconforming structure section but in the expansion of a nonconforming use section.*

The second amendment to this section is adding when a change of use occurs. The amendment allows the Director, or designee, to require upgrades to a building if a change of use occurs. These upgrades may include fire sprinklers, electrical, mechanical, or other provisions of the building code. The provision also allows the Director to require additional parking spaces if the new use necessitates an increase in parking demand.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or

2. The use or structure does not comply with the development standards or other requirements of this code;

3. A change in the required permit review process shall not create a nonconformance.

B. Abatement of Illegal Use, Structure or Development. Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this code.
1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

2. Discontinuation of Nonconforming Use. A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.

3. Repair or Reconstruction of Nonconforming Structure. Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

a. The extent of the previously existing nonconformance is not increased;
b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and
c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. Modifications to Nonconforming Structures. Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. ~~Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones~~. Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit unless the indexed supplemental criteria (SMC 20.40.200) require a special use permit for expansion of the use under the code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

E. Nonconforming Lots. Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this code; provided, that:

1. All other applicable standards of the code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a “special tract” to protect critical area, provide open space, or as a public or private access tract.

F. Nonconformance Created by Government Action.
1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a County, State, or Federal agency creates noncompliance of the use or structure regarding any requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback nonconformity to the extent feasible. To be consistent with SMC 20.50.590(A), the signs shall not be altered in size, shape, or height.

3. A nonconforming lot created under this subsection shall qualify as a building site pursuant to RCW 58.17.210, provided the lot cannot be combined with a contiguous lot(s) to create a conforming parcel.

G. Change of Use – Single Tenant.
If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

H. Change of Use – Multi-Tenant.
If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

Amendment #7
20.30.357 – Planned Action Determination

The Planned Action Determination is a new addition to the Development Code.

Justification *–This determination is required for applications that want to be considered a planned action and rely on the environmental documentation that was prepared for the planned action area. The new Development Code language proposed establishes a purpose and decision criteria section. Staff has also developed a planned Action form that an applicant must use when submitting for a Planned Action Determination.*

Staff recommendation*– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Purpose. The purpose of a planned action determination is decide if a project qualifies as a planned action project thereby not requiring additional substantive and procedural review under SEPA .

Decision criteria. For a site-specific project to qualify as a planned action, the applicant shall submit a Planned Action Determination Checklist on a form prescribed and provided by the Department and demonstrate that:

1. The project is located within one of the City's designated Planned Action Areas;

2. The uses and activities of the project are consistent with qualifying land use categories described in the relevant Planned Action EIS;

3. The project is within and does not exceed the planned action thresholds established for the relevant Planned Action Area;

4. The project is consistent with the Shoreline Municipal Code and the Shoreline Comprehensive Plan, including any goals and policies applicable to the Planned Action Area;

5. If applicable, the project's significant adverse environmental impacts have been identified in the relevant Planned Action EIS;

6. If applicable, the project's significant adverse environmental impacts have been mitigated by application of mitigation measures identified for the Planned Action Area and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;

7. The project complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

8. The project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a planned action project.

Amendment #8
20.30.380 – Subdivision Categories

This amendment seeks to strike lot line adjustments as a subdivision category.

***Justification** – Lot line adjustments are not a subdivision of land. Also, lot line adjustments provisions are found in 20.30.400 and do not need to be included in 20.30.380.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.~~

A. ~~B~~. Short Subdivision: A subdivision of nine or fewer lots.

B. ~~C~~. Formal Subdivision: A subdivision of 10 or more lots.

C. ~~D~~. Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.

Note: When reference to “subdivision” is made in this Code, it is intended to refer to both “formal subdivision” and “short subdivision” unless one or the other is specified.

Amendment #9
20.30.410 – Preliminary subdivision review procedures and criteria.

There are two proposed amendments to this section. The first amendment establishes a procedure for Unit Lot Developments. This amendment allows a developer to create fee simple lots (each unit located on its own lot) without having to construct the units to Building Code standards for standalone units. The building is considered one unit even though the units are sold individually with a generally a small lot created from a larger “parent lot”. This eliminates the need to construct each unit as if it may someday need to be structurally independent of the other units. Constructing the building as one structure is more cost effective. This process also creates a home ownership opportunity for people to buy a unit and the property on which the unit is located.

***Justification** – The proposed amendment will allow single family attached-developments to be subdivided for fee simple ownership and to allow application of International Building Code (IBC), National Electrical Code (NEC), and International Fire Code (IFC) to consider the units together as constituting one building, notwithstanding the property lines separating the units Please also see the justification for Amendment #4 – Definition of Unit Lot Development (ULD).*

The second amendment to this section is part of a group of amendments recommended by the Department of Ecology to comply with the City’s NPDES Permit. Amendment A.4 below is related to NPDES requirements in Amendment #3.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. **Environmental.**

1. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.

2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC Critical Areas, and Chapter 13.12 SMC, Floodplain Management.

4. Low Impact Development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, preserve on-site natural features, native vegetation, open space and critical areas.

B. **Lot and Street Layout.**

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.

2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.

3. Each lot shall meet the applicable dimensional requirements of the Code.

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. **Dedications and Improvements.**

1. The City may require dedication of land in the proposed subdivision for public use.

2. Only the City may approve a dedication of park land.

3. In addition, the City may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

a. Required improvements may include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

D. Unit Lot Development.

1. The provisions of this subsection apply exclusively to Unit Lot Developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.

2. Unit Lot Developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.

3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020 Exception 2.

4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common open space, and other similar features, to be recorded with King County Records and Licensing Services Division.

5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.

6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.

7. The applicant shall record a covenant on the plat that states, "*These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code".*

Amendment #10
20.30.470 – Further division – Short subdivisions.

The proposed Development Code amendment changes the number of lots in a short plat from four to nine.

***Justification** – The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this subchapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than nine ~~four~~ parcels, nothing in this subchapter shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of nine ~~four~~ lots within the original short subdivision boundaries.

USE TABLES: Amendments 11-15

Amendment #11
20.40.120 – Residential uses.

Justification *– This amendment is related to amendments 1, 15, 19 and 21. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *Apartments are a housing type within the multifamily dwelling category.*
- *Duplexes and townhomes are a housing type within the single-family attached dwelling category.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Amendment #12
20.40.130 – Nonresidential uses

This proposed amendment will remove fuel and service stations as a permitted use in the Town Center 2, 3, and 4 zones.

Justification *– Automotive Fueling and Service Stations are exclusively automotive uses. These uses detract from the goal of enhancing the pedestrian experience in TC-2, TC-3, and TC-4 zones. Prohibiting Automotive Fueling and Service Stations in TC-2, TC-3, and TC-4 zones, removes the conflict between the needs of a purely automotive use and those uses that encourage pedestrian and gathering zones is removed.*

Ample alternative locations are available to Fuel and Service Station operators. Automotive Fueling and Service Stations are allowed to be located in Neighborhood Business (NB), Community Business (CB), Mixed Business (MB), zones of the City, notably in the Town Center

(TC)-1 and MB zones along Aurora Ave N immediately to the north and south of Town Center. Most commercial uses generate revenue for the city. However, because Shoreline obtains tax revenue from fueling stations regardless of where the fuel is sold in the state, no incremental increase in City revenues will be experienced from increasing fuel sales in TC-2, TC-3, and TC-4 zones.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Amendment #13
20.40.130 – Nonresidential uses

This proposed amendment will make light manufacturing an approved use in the Mixed-Business (MB) zone. Currently, light manufacturing requires a Special Use Permit in the MB zone.

***Justification** – The City permits outright light manufacturing land uses in TC zones and in MB zones with a Special Use Permit. Town Center is small area and to require a Special Use Permit in MB seems unnecessary considering these zones all border Aurora Avenue. Based on the intent of these two zones, if a Special Use permit is needed it would be better served in the TC zones and to be permitted outright in the MB zones. A recent example is a small t-shirt print shop and wholesaler was deterred because the Special Use Permit was too expensive and the decision and conditions unpredictable to apply. The t-shirt shop is not a big proposal but it raises the question: does Shoreline provide enough opportunity for light manufacturing locate here? Is the MB zone the appropriate place to allow light manufacturing since it already allows wholesale and warehouse uses, car repair, etc.?*

The proposed definition from the manual of A Glossary of Zoning and, Development and Planning Terms for "Light Manufacturing" is: "The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assemble, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing."

***Staff recommendation** –Permit Light Manufacturing outright in MB zones rather than through a Special Use Permit and add a Light Manufacturing definition to SMC 20.20.016 that clearly defines the type of uses allowed.*

Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Amendment #14
20.40.130 – Nonresidential uses

Amendment #20
20.40.507 – Self-Service Storage Facility Criteria

Justification: The City has had numerous self-storage developments built, applied for and requested pre-application meetings, especially, in the last few years. Self-storage is not listed the use table SMC 20.40.130 and has been interpreted by staff as general retail trade or services. However, in 2015 mini storage was added to the use table in the Mixed Use Residential (MUR) zones. This created a great deal of ambiguity. Is a self-service storage facility the same as mini storage? Should staff be interpreting self-service storage facilities as an unlisted use once mini storage was added to the use table?

The Council enacted an emergency six month moratorium on the acceptance of processing and/or approving applications or permits for any new self-service storage facilities on August 8, 2016. The staff report for the moratorium in accessible from this link: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport080816-8b.pdf.

The *moratorium will allow time for the City to adopt development regulations for self-service storage facilities so as to ensure consistency with the City's Comprehensive Plan, the development regulations, and to ensure consistency and conformity with the surrounding community while maintaining the status quo. As the Planning Commission studies amendments related to self-service storage facilities over the next couple of months, staff will also be seeking input from self-service storage facility developers to learn more about this business, modern facility design and the associated market.*

Other than prohibiting the land use altogether, there are different options or combination of options to allow this land use.

1. *Allow the land use only in Community Business (CB) and Mixed Business (MB) zones excluding the Community Renewal Area (CRA).*
2. *Allow the land use in all commercial zones as a conditional use and only as an accessory use to a primary use as permitted in all MUR zones.*
3. *Separate self-service storage developments from each other by a specified distance.*
4. *Prohibit the development of self-service storage facilities on corner or otherwise distinctive parcels as identified in adopted Plans .*
5. *Allow the land use in the Comprehensive Plan designation MU-1. MU-1 is located along Aurora and Ballinger Way (other than Town Center) and encourages more intense uses such as manufacturing with impacts but may be incompatible with other uses in the designation.*

***Staff Recommendation** – Staff is looking for direction from the Planning Commission based on the options above.*

Amendment #21
20.40.510 – Single-family attached dwellings.

***Justification** – Proposed amendments 1, 11, 15, and 19 amend dwelling types in the definition section and the use tables. This proposed amendment strikes letter "A" since single-family*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	~~Duplex~~ **Amendment #11**	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	-	-	-
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

20.40.130 Nonresidential uses.

Table 20.40.130 Nonresidential Uses

NAICS #	**SPECIFIC LAND USE**	**R4-R6**	**R8-R12**	**R18-R48**	**TC-4**	**NB**	**CB**	**MB**	**TC-1, 2 & 3**
RETAIL/SERVICE									
532	Automotive Rental and Leasing						**P**	**P**	**P only in TC-1**
81111	Automotive Repair and Service					**P**	**P**	**P**	**P only in**

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
									TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations **Amendment #12**					P	P	P	~~P~~
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing **Amendment #13**							P ~~S~~	P
	Marijuana Operations – Medical Cooperative	P	P	P	P	P	P	P	P

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Marijuana Operations – Retail					**P**	**P**	**P**	**P**
	Marijuana Operations – Processor							**S**	**P**
	Marijuana Operations – Producer							**P**	
441	Motor Vehicle and Boat Sales							**P**	**P only in TC-1**
	Professional Office			**C**	**C**	**P**	**P**	**P**	**P**
5417	Research, Development and Testing							**P**	**P**
	Self-service storage facilities **Amendment #14**						**P-i**	**P-i**	
484	Trucking and Courier Service						**P-i**	**P-i**	**P-i**
541940	Veterinary Clinics and Hospitals			**C-i**		**P-i**	**P-i**	**P-i**	**P-i**
	Warehousing and Wholesale Trade							**P**	
	Wireless Telecommunication Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
P = Permitted Use				**S = Special Use**					
C = Conditional Use				**-i = Indexed Supplemental Criteria**					

20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	~~Duplex, Townhouse, Rowhouse~~ **Amendment #15**	~~P-i~~	~~P-i~~	~~P-i~~
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i	P-i	

Amendment #16

This Amendment Left Intentionally Blank

Amendment #17
20.40.230 – Affordable housing

The proposed amendment updates critical area language contained in this section that was missed when the City updated the Critical Areas Ordinance as part of Ordinance 724 which is the City's Critical Areas.

***Justification** – Ordinance 724 updated many sections of the Development Code for consistency of terms and references. Section 20.40.230(A) was revised by this ordinance, however the reference to the critical area regulations in Section 20.40.230(A)(5) was missed.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the

construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) and provisions for accessory dwelling units~~, and (c) projects which are limited by the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II~~.

5. All land use applications for which the applicant is seeking to include the area designated as a critical area ~~overlay district~~ in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified ~~consultant~~ professional and the City to address the requirements of the critical area ~~overlay district chapter~~ regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

Amendment #18
20.40.240 – Animals – Keeping of

The proposed amendment will amend the rules related to beekeeping.

***Justification** – The City has a business, Rainy Day Bees, which tends to bees in hives that belong to them but are on other people's private property on a voluntary basis. It is used on underutilized yards. Shoreline recently adopted an ordinance about beekeeping that is stricter than Seattle's regulations. Briefly, Seattle and other municipalities allow for hives to be closer to the property line if there is a fence or hedge or if the hives are elevated. Shoreline has no exemptions; the hives must be 25 feet from the nearest property line. Rainy Day Bees are being forced to locate most of their hives in Seattle.*

This amendment will make Shoreline's rules for beekeeping aligns with that of Seattle's and promote Shoreline as a beekeeping friendly city.

- *Pros to this proposal include: Health benefits from the end product: honey;*
- *Financial boost: supports small businesses like Rainy Day Bees;*
- *Health of bees: Urban bees tend to be more resilient;*

Cons to this proposal include:
- *Overcrowding: More urban bees competing for potentially limited pollen sources;*
- *Increased threat of stings: Can be eliminated with proper placement and management of hives.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

F. Beekeeping is limited as follows:

1. Beehives are limited to no more than four hives, each with only one swarm, on sites less than 20,000 square feet.

2. ~~Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25 feet per side, then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.~~

2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.

3. Must register with the Washington State Department of Agriculture.

4. Must be maintained to avoid overpopulation and swarming.

Amendment #19
20.40.340 – Duplex.

Justification *- The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. This proposed amendment is related to amendments 1, 11, 15, and 21. The proposed amendment will strike the indexed criteria for duplexes and move the entire section into the indexed criteria for single-family attached dwellings. This proposed amendment matches the other changes in this batch that includes duplexes with single-family attached dwellings. The criteria for duplexes in the R-4 and R-6 will not be completely deleted from the Development Code. The conditions for duplexes in the R-4 and R-6 zones will be moved to the conditions for single-family attached dwellings in SMC 20.40.510.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards.~~

~~More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards.~~

Amendment #20
20.40.507 – Self-Service Storage Facility Criteria

Justification: The City has had numerous self-storage developments built, applied for and requested pre-application meetings, especially, in the last few years. Self-storage is not listed the use table SMC 20.40.130 and has been interpreted by staff as general retail trade or services. However, in 2015 mini storage was added to the use table in the Mixed Use Residential (MUR) zones. This created a great deal of ambiguity. Is a self-service storage facility the same as mini storage? Should staff be interpreting self-service storage facilities as an unlisted use once mini storage was added to the use table?

The Council enacted an emergency six month moratorium on the acceptance of processing and/or approving applications or permits for any new self-service storage facilities on August 8, 2016. The staff report for the moratorium in accessible from this link: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport080816-8b.pdf.

The *moratorium will allow time for the City to adopt development regulations for self-service storage facilities so as to ensure consistency with the City's Comprehensive Plan, the development regulations, and to ensure consistency and conformity with the surrounding community while maintaining the status quo. As the Planning Commission studies amendments related to self-service storage facilities over the next couple of months, staff will also be seeking input from self-service storage facility developers to learn more about this business, modern facility design and the associated market.*

Other than prohibiting the land use altogether, there are different options or combination of options to allow this land use.

1. *Allow the land use only in Community Business (CB) and Mixed Business (MB) zones excluding the Community Renewal Area (CRA).*
2. *Allow the land use in all commercial zones as a conditional use and only as an accessory use to a primary use as permitted in all MUR zones.*
3. *Separate self-service storage developments from each other by a specified distance.*
4. *Prohibit the development of self-service storage facilities on corner or otherwise distinctive parcels as identified in adopted Plans .*
5. *Allow the land use in the Comprehensive Plan designation MU-1. MU-1 is located along Aurora and Ballinger Way (other than Town Center) and encourages more intense uses such as manufacturing with impacts but may be incompatible with other uses in the designation.*

***Staff Recommendation** – Staff is looking for direction from the Planning Commission based on the options above.*

Amendment #21
20.40.510 – Single-family attached dwellings.

***Justification** – Proposed amendments 1, 11, 15, and 19 amend dwelling types in the definition section and the use tables. This proposed amendment strikes letter "A" since single-family*

attached dwellings include more than just triplexes and townhomes. Letter "C" is an outdated set of guidelines that may or may not apply to a development project. There are specific sections of the Development Code that regulate the items in the below list and therefore do not need to be included in this section. These include:

1. *SMC 20.50.350 is the section that regulates minimum tree retention requirements.*
2. *The Development Code is silent on view restrictions so this item is not enforceable.*
3. *SMC 20.80.280 regulates fish and wildlife habitat conservation areas.*
4. *SMC Table 20.50.020 lists required setbacks along property lines while SMC 20.50.460 requires landscaping within those required setbacks.*
5. *The Critical Areas Ordinance has been recently updated to regulate development in geologic hazard areas.*
6. *The Development Code is largely silent on the protection of historic features and therefore not enforceable.*

This amendment also adds the indexed criteria for duplexes since the definition of single-family attached dwellings now include duplexes.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

20.40.510 – Single-family attached dwellings.

~~A. Single-family attached dwellings include triplexes and townhouses.~~

~~B.~~ Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and ~~multifamily~~ single-family residential design standards.

~~C. Single-family attached dwellings shall comply with one or more of the following:~~

~~1. The development of the attached dwelling units enable protection and retention of windfirm trees; or~~

~~2. The development of the attached dwelling units enable preservation of scenic vistas; or~~

~~3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or~~

~~4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or~~

~~5. The development of the attached dwelling units protects slopes steeper than 15 percent; or~~

~~6. The development of the attached dwelling units would allow for retention of natural or historic features.~~

~~B. D. The single-family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #22
20.40.600 – Wireless Telecommunications Facilities/ Satellite Dish and Antennas

This proposed amendment will delete the requirement that a Notice of Decision be issued for a wireless communication permit when attached to a right-of-way permit.

***Justification** – This is a Type A process which does not require a public notice of application nor decision.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:

a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC 12.25.030 shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
b. All supporting ground equipment located within a public right-of-way shall be placed underground or, if located on private property, shall comply with all development standards of the applicable zone.
c. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.
~~d. A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.~~

Amendment #23 & #24
20.50.020 – Dimensional requirements.

Amendment #23 is intentionally left blank

Amendment #24 deletes the requirement for a combined side setback of 15 feet in the R-6 zone and adds Unit Lot Development to exception #2 of the Tables.

***Justification** – The City currently requires 15-foot setbacks for two side yards combined with a minimum 5-foot setback in R-4 and R-6 zones. Setbacks are used to create separation between residences. However, since either neighbor on each side of residence can experience a 5-foot setback how does the combined setback benefit each neighbor? The indirect benefit of a greater sideyard setback may be the overall size of the house on the property. Lot coverage*

maximums are a better regulation to affect the density and open space to surrounding neighbors. This amendment complements Amendment #28.

Please see refer to Amendment #4 for the justification for adding Unit Lot Development to Exception #2.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. ~~and 15 ft total sum of two~~	5 ft min. ~~and 15 ft total sum of two~~	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Table 20.50.020(2) – Densities and Dimensions in Mixed-Use Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Table 20.50.020(2) Dimensional Standards for MUR Zones

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac(16)	18 du/ac	80 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street Up to 20 ft if located on 145th Street (14)	15 ft if located on 185th Street 0 ft if located on an arterial street 10 ft on nonarterial street Up to 20 ft if located on 145th Street (14)	Up to 15 ft if located on 185th Street (14) Up to 20 ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12)(15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):
(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line and Unit Lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

(13) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.

(14) The exact setback along 145th Street and 185th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

Amendment #25
20.50.021 – Transition Areas

This proposed amendment will move the transition standards from SMC 20.100.020, the Aurora Square Community Renewal Area (CRA), to SMC 20.50.021.

***Justification** – This amendment is related to amendment #36. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Development in commercial zones: NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

D. For development within the Aurora Square Community Renewal Area; maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.

Amendment #26
20.50.040.I 4, 5,and 6 – Setbacks – Designation and measurements

This amendment proposes clarity to existing confusing and contradictory language for decks, porches and stairs and ramps in required yard setbacks.

Justification - *The amendment to section #4 will allow the projection of decks, under 18 inches in height, into the front yard in addition to side and rear yards. A patio is permitted in front yard setbacks as well as side and rear yards then the impacts or uses of these amenities are mostly the same.*

The amendment to section, #5, cleans-up confusing language about how far an uncovered porch or deck more than 18 inches above the finished grade may project into the front, side, and rear setbacks. Currently, the language allows decks above 18 inches in height to extend 18 inches into the sideyard which is greater than 6 feet 6 inches. This language is obtuse and it is more direct to say that these cannot be built within 5 feet of the property line. The amendment also clarifies the contradiction of why a deck above 18 inches is allowed in the front yard but not a deck under 18 inches in height in section #4.

The amendment to section #6 clears up confusion about the size of porches in setbacks. Currently, #6 allows covered entries to extend 5 feet into the setback if they are 60 square feet or greater. Staff thinks the intention is not to allow decks without a maximum size but to allow covered entries less than 60 feet to extend 5 feet into the setback.

The amendment to section #7 will allow building stairs or ramps to project to the property line, subject to conditions, for the purpose of retrofitting an existing residence. Some houses have a short, steep grade to the front sidewalk. If the intent is to allow residents to retrofit their access then limiting the height of stairs or ramps for the purpose of entry limiting their height seems prohibitive. This becomes especially relevant if residents have limited mobility.

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project 5 feet into the required front, rear and side yard setbacks but not within 5 feet of a property line:

~~a. Eighteen inches into a side yard setback which is greater than six feet, six inches; and~~

~~b. Five feet into the required front and rear yard setback.~~

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback. ~~that are at least 60 square feet in footprint area may project up to five feet into the front yard setback.~~

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than ~~than 30 inches from grade to stair tread and~~ 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

Amendment #27
20.50.070 – Site planning – Front yard setback – Standards.

The proposed amendment will move the requirement for a 20-foot driveway from the exceptions section and move it into the regulation.

***Justification** – The requirement for a 20-foot driveway should not be in the exception section but should be a stand-alone requirement.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

20.50.070 – Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)

~~For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.~~

Amendment #28
20.50.090 – Additions to existing single-family house - Standards

The proposed amendment is related to amendment #24 and deletes the provisions that allow a homeowner to add on and expand a home that is nonconforming to setbacks.

***Justification** – Additions to existing single-family house are allowed, within limits, to expand a non-conforming structure within a yard setback. The allowance is based on an existing, nonconforming façade that is more than 60% of the entire façade to be able to expand the nonconformance. The intent is to allow flexibility when retrofitting an existing structure but its standards are not logical or statistically based and are confusing to administer.*

1) Why would we allow a nonconformance to expand?
2) Why is nonconformance greater than 60% needed to allow the expansion?
3) Therefore, why would a percentage less than 60% not be more qualified to expand since it would be less of a nonconformance, and
4) Why is there no limit to how much the nonconforming façade can expand?

There is no other nonconformance allowance for decks, hardscape, height, or lot coverage in the Development Code. SMC 20.30.280 – Nonconformance addresses this issue which limits structure expansion to the "degree of an existing nonconformity" and "limited to 50% of the use area (building coverage") . The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks. By approving amendment #2, Table 20.50.020(1) regarding setbacks, property owners will have greater flexibility with other alternatives to expand their homes without expanding a nonconformance that is difficult to administer and is not logical.

***Staff Recommendation** – Repeal the entire code section. The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks.*

~~SMC 20.50.090 Additions to existing single-family house – Standards.~~

~~A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:~~

~~1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;~~
~~2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;~~
~~3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;~~

~~4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and~~
~~5. This provision applies only to additions, not to rebuilds. When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case-by case basis.~~

Amendment #29
20.50.110 – Fences and walls - Standards

The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.

***Justification** – This provision is a design standard for appearance or defensible space. It is inconsistent with the allowance for 6-foot fences in all other yards of a residential property. It is also written as a recommendation and not as a requirement. The intent of the existing code can be met with the requirement for sight clearance standards and the preference of the property owner. Staff believes that the fence lower height limit is more a design standard for the purpose of street appeal. It also contradicts the code allowance for arbors in any setback up to 6 feet in height.*

***Staff recommendation** – Staff recommends that this amendment be approved in the 2016 Development Code amendment batch.*

20.50.110 Fences and walls – Standards.

A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. ~~(Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.)~~

B. All electric, razor wire, and barbed wire fences are prohibited.

C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet.

Amendment #30
20.50.240 – Site Design

***Justification** – The phrase "on private property" is redundant and confusing. Buildings and parking structures are only developed on private property.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:

a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks ~~if on private property~~. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

Amendment #31
20.50.330 – Project review and approval

This proposed Development Code amendment is recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.

Justification *– The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.

2. The proposal complies with all standards and requirements for the underlying permit.

3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.

4. The project complies with all requirements of the City's Stormwater Management Manual as set for the in SMC 13.10.200 and applicable provisions of SMC 13.10, Engineering

Development Manual and SMC 13.10, Surface Water Management Code and adopted standards.

5. All required financial guarantees or other assurance devices are posted with the City.

Amendment #32
20.50.390 – Minimum off-street parking requirements - Standards

This proposed amendment will match up the parking requirement for self-service storage facilities with the ITE trip generation calculator for mini-warehouse uses, which do not generate as much parking as the City has been requiring.

***Justification** – The City uses the trip generation calculator to assess Transportation Impact Fees. This figure also matches more closely traffic impact analyses that have been prepared for such uses. The proposed minimum spaces required may look strange but that is the number cited by multiple parking demand studies submitted by various self-service storage providers. For example, an 80,000 square foot self-service storage facility would be required to provide 11 parking spaces.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
Self-service storage facility:	1 per .000130 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

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Amendment #33
20.50.540(G) – Sign design

Justification *– The Aurora Square Community Renewal Area is a special district and has a unique set of signage requirement. Staff recommends inserting a reference into this section to point the reader to the specific sign regulations of the CRA because the sign code uses zones and the CRA is in the MB zone.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

Amendment #34
20.70.020 – Engineering Development Manual.

Justification *– The proposed Development Code amendment will strike the reference to SMC 12.10.100, which does not exist, and replace the reference with 12.10.015 which is the chapter that includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. The remainder of the section will be deleted since the requirements for development are located in the Engineering Development Manual.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

The Engineering Development Manual adopted pursuant to SMC 12.10.~~100~~.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. ~~The specifications shall include, but are not limited to:~~

~~A. Street widths, curve radii, alignments, street layout, street grades;~~

~~B. Intersection design, sight distance and clearance, driveway location;~~

~~C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;~~

~~D. Streetscape specifications (trees, landscaping, benches, other amenities);~~

~~E. Surface water and stormwater specifications;~~

~~F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and~~

~~G. Other improvements within rights-of-way.~~

Amendment #35
20.70.430 – Undergrounding of electric and communication service connections.

Justification *– The proposed Development Code amendment to Section 20.70.430 will delete the language regarding the undergrounding of utilities from the Development Code. SMC 20.70.430 is in conflict with the Shoreline Municipal Code Title 13 when undergrounding is required for certain development activities. The proposed amendment will direct the reader to Title 13 for specific undergrounding requirements.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way, excluding existing or relocated street crossings.

B. Undergrounding of service connections and new electrical and telecommunication facilities shall be required as defined in Chapter 13.20.050 SMC. ~~shall be required with new development as follows:~~

~~1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.~~
~~2. All new residential construction and new accessory structures or the creation of new residential lots.~~

~~3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.~~

~~C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:~~

~~1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and~~

~~2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.~~

Amendment #36
20.100.020 – Aurora Square Community Renewal Area (CRA).

Justification *– Council adopted the Aurora Square Community Renewal Area Planned Action in August 2015. The planned action contains development regulations, design standards, signage standards, residential unit thresholds, commercial building thresholds and other goals and policies to shape future development in that area. The proposed Development Code amendment will alert the reader to the planned action so specific development standards can be met.*

The second amendment to this section will move "A" to SMC 20.50.021. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

All development proposed within the Aurora Square Community Renewal Area shall comply with provisions of Ordinance 705 – Aurora Square Community Renewal Area Planned Action.

~~A. This chapter establishes the development regulations specific to the CRA.~~

~~1. Transition Standards. Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.~~