

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

September 15, 2016
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

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

Commissioners Absent

Chair Craft
Commissioner Chang

Staff Present

Rachael Markle, Director, Planning & Community Development
Paul Cohen, Planning Manager, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Kimberly Lehmborg, Assoc. Planner, Planning & Community Development
Debbie Tarry, City Manager
John Norris, Assistant City Manager
Julie Ainsworth Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

CALL TO ORDER

Vice Chair Montero, Chair Pro Tem for this meeting, 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: Vice Chair Montero, and Commissioners Maul, Malek, Mork and Moss-Thomas. Chair Craft and Commissioner Chang were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of August 4, 2016, August 18, 2016, and August 22, 2016 were adopted as presented.

GENERAL PUBLIC COMMENT

Yoshiko Saheki, Shoreline, thanked the Commission for listening to all the public comments during the hearings for the 145th Street Station Subarea Plan. She recalled that earlier in the summer, Mr. Cohen was invited to speak to the 145th Street Station Citizens Committee about the types of development that is occurring in the 185th Street Station Subarea. During the discussion, it came to light that the permit for the China Buffet development was to expire in September. Given that the project is fairly close to the future 145th Street Station, she asked for an update on the project. Mr. Cohen answered that the permit is close to its expiration date, but the project is still possible.

CITY MANAGER UPDATE ON LEVY LID LIFT BALLOT MEASURE

Ms. Tarry advised that the current Levy Lid Lift was originally passed by voters in 2010 and expires at the end of 2016. After a public process, the City Council adopted a resolution on July 25, 2016 that places renewal of the Levy Lid Lift on the November Ballot. For the Commission's information, she briefly highlighted the services the City currently provides, as well as the 2016 net costs (expenses less dedicated revenue) that come from tax proceeds.

- Aquatics and Recreation Programs – \$1.69 million
- Park Maintenance Program – \$1.72 million
- Street Operations Program – 433,000
- Environmental Services and Traffic and Transportation Planning Services – \$1.47 million
- Community Partnerships – \$301,000
- Community Events – \$179,000
- Shoreline Police – \$9.5 million
- Criminal Justice – \$2.7 million
- Neighborhood Coordination and Support – \$172,000
- Permitting, Inspection, Planning and Code Enforcement – \$1.7 million
- 24-Hour Customer Response and Support Team – \$525,000
- Emergency Management – \$197,000
- Human and Social Services – \$400,000
- Economic Development – \$303,000
- Other Services include elections, intergovernmental relations, communications, public records request, pet licensing, animal control, business licensing, and public meeting management.

Ms. Tarry explained that there are a number of services the City is responsible to provide, and in a most recent citizens survey, 93% of Shoreline residents rated the City as a good or excellent place to live. However, like most cities, the City of Shoreline faces a structural challenge in funding the basic services. While the reasons for the problem are complex, it is in large part the result of the 1% limit on the growth of property tax levies, which was approved by the Washington Voters in 2001. She explained that the cost of providing City services generally increases even more than the Consumer Price Index (CPI), and property tax revenues represent about 30% of the City's operating revenue stream. Although assessed valuations are increasing significantly, the levy can only increase by 1% each year, unless voters approve something greater.

Mr. Norris provided a graph to illustrate the impact of the structural challenge. The black line represents the City's forecasted revenues over the next 10 years and the red line represents the City's forecasted costs. He noted that the forecasted growth in costs is projected to exceed revenues throughout the forecast period. He reminded the Commission that, by law, the City is required to balance its budget. Without the Levy Lid Lift or other new revenue, the forecast anticipates that the City will be forced to reduce costs, which will result in a reduction in base services each year, beginning in 2017.

Mr. Norris provided slides to illustrate the City's CPI Market Basket (goods and services people purchase). He explained that the reason for the City's problem is inflation. City costs have historically grown faster than the CPI. Although CPI is the most common measure of inflation, it does not include many of the types of goods and services that the City purchases in its calculation. He provided a graph to illustrate the difference between the 1% property tax levy cap, the CPI, and the City's projected change in costs (about 3%) over the next 10 years.

Mr. Norris provided a slide highlighting how the City allocated its share of the 2016 Property Tax Levy Allocation. He explained that when reviewing property tax bills, it is helpful to understand where property tax money goes. The City's share of every dollar is \$.13 (\$.11 from regular levy that supports operating costs and \$.02 for the Parks Bond Levy that voters approved in 2006). The balance is divided between the county, schools and other taxing entities.

Mr. Norris advised that the City has long held financial sustainability as a high priority, and it has implemented best practices of financial sustainability, maintaining fully-funded operating reserves and a rainy-day reserve for use in an unanticipated economic downturn. These practices include conservative budgeting and fiscal policies to ensure the City is a very good steward of taxpayer dollars. He specifically reviewed that a Financial Sustainability Citizens Advisory Committee (FSCAC) was formed in 2008, and the citizens of Shoreline approved the Levy Lid Lift in 2010. In 2014 the FSCAC developed a 10-Year Financial Sustainability Model (FSM) to evaluate the impacts of current decisions on the future. The plan was formally adopted by the City Council and included seven strategies. Four of the strategies (economic development, reduce cost growth rate, increase investment return, and evaluate fees and cost recovery) have already been implemented and are currently in use. The last three strategies (replace General Fund support of Roads Capital Fund, possible implementation of a business and operations tax, and levy lid renewal) have not been addressed yet. The most financially impactful strategy is the potential renewal of the Levy Lid Lift.

Mr. Norris summarized that, without the Levy Lid Lift or other new revenues, the City's forecast anticipates it will be forced to reduce costs, which results in a reduction in services. He provided a graph to illustrate what the reductions might look like, starting in 2017, and explained that the impact of the reductions would be cumulative, as the forecast reflects the need for additional ongoing reductions being required each year throughout the forecast.

Mr. Norris advised that the City Council has placed a measure on the November 2016 budget to renew the Levy Lid Lift. Prior to making the decision, beginning in February, the City Manager convened FSCAC comprised of members from many different neighborhoods, representing business, human services, education, and the arts, to provide input on the topic. The FSCAC met seven times (February through May). At their meetings, the committee learned about the services the City provides, engaged

in a budget exercise to identify priorities for services, and discussed the strategies of the 10-year FSM with a focus on the Levy Lid Lift. In their report to the City Manager, the FSCAC unanimously supported some form of a Levy Lid Lift to maintain current services and service levels, with the majority supporting a renewal and increased funding for human (or social) services.

Mr. Norris explained that the renewal involves setting the rate to \$1.39 per \$1,000 of assessed valuation, and allowing growth by CPI through 2022. This is similar to the measure that was passed in 2010 that reset the rate at \$1.48. Because current property tax rates in Shoreline have decreased since the rate was last set as a result of rising assessed valuations and the limit to the property tax levy growth, the current rate is \$1.33 per \$1,000 assessed valuation. This means that renewal represents a \$.06 cent increase in the rate and the amount of property tax that a homeowner will pay. On average, a homeowner of a home with an assessed valuation of \$353,000 (median assessed valuation) would pay an additional \$84 per year on average over the six-year levy period, or about \$7 per month.

Mr. Norris summarized that if the levy does not pass, the City will need to begin making decisions for reductions to basic services starting in 2017. Over time, the reductions to basic services will grow and have impacts to those services unless other revenue sources are found. The City will prioritize services that will be reduced, which are likely to include programs the City is not required to provide such as neighborhood services, pool, school resource officers, and communications. If the voters approve the renewal at the proposed level, it would allow the City to maintain services at current levels based on current assumptions.

Commissioner Mork requested additional clarification about the slide that illustrates the 2016 Property Tax Levy Allocation. Ms. Tarry responded that for every dollar of property tax revenue, the City receives \$.11 to fund general services and additional \$.02 to pay off park bonds. Commissioner Mork asked what percentage of the \$.11 is allocated to police and courts. Mr. Norris answered that roughly 1/3 of the City's budget is used to fund criminal justice and law enforcement services.

Chair Pro Tem Montero said he assumes the City would form another committee in 2022 to figure out what to do next. Ms. Tarry answered affirmatively, and explained that as per current law, six years is the longest the City can go out for a levy. This puts cities in the position of having to plan for renewal of their levies every six years.

Commissioner Malek noted that this is a big year for parks planning. He asked if this has been factored into the FSM. Ms. Tarry said the Parks, Recreation and Open Space (PROS) Plan is being updated, and the City is currently seeking input and direction from the community. If the City were to put together a plan for a new aquatic facility and/or community center, it would likely require the passage of a bond similar to the current bond that was issued in 2006. The current bond will be paid off in 2021. However, it would also be important to consider the operational impacts of the facility.

STUDY ITEM: TRANSITIONAL ENCAMPMENT DEVELOPMENT CODE AMENDMENTS

Staff Presentation

Ms. Lehmborg explained that the purpose of the proposed amendments to the Shoreline Development Code (SMC) is to simplify and streamline the permitting process by creating a “Transitional Encampment Permit” expressly for the use. Currently, a Temporary Use Permit is required, and the process can be cumbersome for applicants and the criteria does not always match what the applicant is trying to do. In addition, the amendments would eliminate the permit fee and establish a 90-day timeline for encampments with the possibility for extension of up to six months. Lastly, the amendments would clarify the encampment regulations that already exist in the code.

Ms. Lehmborg reviewed that the City Council passed Resolution Number 379 on December 14, 2015, which 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. She reviewed the amendments as follows:

- **SMC 20.20.034 and 20.20.048.** Add definitions for “Managing Agency” and “Transitional Encampments.”
- **Table 20.30.040 – Procedures.** Add “Transitional Encampment Permit” as a Type A permit. A line item is proposed in the 2017 Operating Budget to set the fee for the permit at zero.
- **SMC 20.30.045 – Neighborhood Meeting.** Clarify that a neighborhood meeting is required for Transitional Encampment Permit proposals. Neighborhood meetings have always been required for this use. However, the section of the code that talks about neighborhood meetings for certain Type A projects is new, and the language is intended to clarify.
- **Use Tables.** Currently, transitional encampments are not allowed in “Town Center” and “Campus” zones. The proposed amendment would allow transitional encampments in all zoning districts. In addition, the name would be changed from “Tent City” to “Transitional Encampments” to reflect the current nomenclature.
- **Standards and Clarification to the Indexed Criteria.** Most of these are standard conditions that have been required under the Temporary Use Permit process. However, the 20-foot setback standard is additional and designed to protect neighbors from potential impacts associated with having an encampment close by. It also helps ensure that the site is large enough to support the camp. The timeline has also been extended and clarified. Each agency would be limited to one encampment per year. This keeps it from becoming a permanent thing, but allows agencies to host the encampments at the right time of year for them.

Ms. Lehmborg concluded her report by advising that the Transitional Encampment Amendments are being processed parallel with the large code amendment batch for 2016. However, if the Commission is comfortable with the amendments, as proposed, they could move the public hearing up instead of waiting until December.

Public Comment

Kim Lancaster, Shoreline, said she supports the plan to simplify the process for transitional encampments. She brought to the Commissions attention that, last November, the local “tent city” did not have a place to go. They were previously located at Bethel Lutheran Church. When that church was looking to sell, no church would take them. That meant that two pregnant mothers, one with thyroid cancer, and four children were out on the street. She and her husband offered them housing, in violation of the City code. As directed by the City, they paid a fee, applied for a Temporary Use Permit and held a neighborhood meeting, but they were denied the permit. They were eventually able to work out a deal with the City so the camp could stay at their house. She commented that the 20-foot setback requirement would have precluded the camp from being in their backyard. The City has not made a provision for its homeless citizens, and the churches are trying to fill that gap. But there are times when that is not possible.

Ms. Lancaster commented that, in her opinion, the amendments are intended to prevent her from exercising her constitutional rights. The Planning Commission should not set up the City for a constitutional challenge to its regulations. The City has made no provisions for homelessness, but they want to prevent her and her neighbors from providing for the homeless, and that is not right. Every citizen of Shoreline has a constitutional right to exercise religious beliefs, and some do that by helping homeless people. She asked the Commission to eliminate the 20-foot setback requirement.

Regarding the terms of the encampments, Ms. Lancaster asked the Commission to make a regulatory provision for homeless families. Homeless children should not have to move from their school once or twice during the school year. Let them stay, with any host family or church that is willing to host them for the entire school year or longer, if the host is willing.

Eugene McPhail, Shoreline, said he and his wife have owned their home at 16726 Burke Avenue North for 50 years. They are long-time residents, but he did serve elsewhere in the Navy. He is also the chair of the Board of Trustees at Haller Lake United Methodist Church, which was affiliated with Tent City 3 in the Seattle area from 2000 to 2014. During that time, they hosted 13 encampments. Subsequently, the Tent City moved to a larger location. He later coordinated with the deputy division head within the Seattle Human Services Department to allow the group, United We Stand, to come back to the church grounds. For a number of years, he has worked to get a number of churches in the North Seattle/Shoreline area to host smaller encampments of about 35 people. While they hosted Tent City 3, their setback requirement from the adjacent property was 10 rather than 20 feet, and there were no complaints from neighbors.

Mr. McPhail thanked the City Manager and staff for the effort they have put into developing the specific amendments. He also thanked them for hosting a public meeting, which he attended as a representative from one of the few churches in the North Seattle/Shoreline area that has had experience in hosting encampments. He testified at the Council Meeting where Attorney Brad Lancaster introduced the idea of a resolution in support of the King County declaration of homeless becoming an emergency. He further coordinated with his pastor, Dr. Carol Mariano, to solicit the District Superintendent from Seattle Methodist Church District to submit a declaration in support of the resolution, and he also coordinated with the Executive Director of the Church Council of Greater Seattle, as well. He asked if the

documentation that was submitted at the November and December City Council Meetings would be available for the Commission's review or if he needs to coordinate resubmission. It is important for the Commission to see all of the details that were presented to the City Council in developing the resolution.

Liz Poitras, Shoreline, noted that, as proposed, temporary encampments will be allowed in the R-6 zones. She asked if there will be any provisions to prevent neighborhood children from wandering into the areas. Normally, at the churches and other places where the encampments have been hosted, there are some definite barriers like hedges or fencing. If they are going into neighborhoods, she suggested they require that the yard has to be fenced or have an impenetrable hedge to prevent neighborhood children from wandering in.

Tom Poitras, Shoreline, said it sounds like the people who want to help the homeless feel they have a right to disregard the property rights of their neighbors. They are not the only people who have constitutional rights. He voiced concern that the whole concept could spin out of control, particularly since most church encampments have pseudo-police forces to make sure that the rules are maintained. If people are allowed to host the use in their backyards, he suspects that will not be the case. He also voiced concern that the rules would not be followed carefully.

Commission Discussion

Ms. Lehmborg explained that most churches are located in the R-6 zone, so the City cannot really disallow them in the residential zones. One way of addressing the impact to the neighborhoods is the 20-foot setback. She noted that 20-feet is a standard setback in commercial zones that abut an R-6 or R-4 zone. She also indicated she could provide the Commissioners copies of the information that was submitted at the City Council meetings in November and December.

Commissioner Maul asked if the 20-foot setback would apply to any tents that are located on site. Lehmborg answered affirmatively. Commissioner Maul noted that building code setbacks, even in the residential zones, apply to buildings up to 35 feet in height. He wouldn't want a three-story building located just five feet from his property, but tents are not near that high. He questioned how allowing tents to be located closer to the property line would impact adjacent neighbors. He felt that a 5 or 10-foot setback would be sufficient, and a 20-foot setback requirement would be too much.

Commissioner Mork asked if it is possible to require that an encampment must be enclosed by a fence or hedge. Ms. Lehmborg advised that, currently, encampments must be separated from adjoining properties via a fence or other type of screening. Commissioner Mork commented that the 20-foot setback would be in addition to the barrier. Commissioner Moss-Thomas asked if the screening could be temporary rather than a permanent fixture to the property. Assistant City Attorney Ainsworth Taylor answered affirmatively. She noted that the chain link fences that are typically provided are portable. Vice Chair Montero observed that most encampments have screening that is higher than the fence, and there is security at the entrance to preclude children from entering the site.

The Commissioners agreed to schedule a public hearing on the proposed amendments on October 20, 2016.

STUDY ITEM: 2016 BATCH OF DEVELOPMENT CODE AMENDMENTS

Staff Presentation

Commissioner Szafran explained that the purpose of the study session is to review the 2016 batch of Development Code Amendments, answer questions from the Commission, get Commission direction on select amendments, and gather public comment. He reviewed that, yearly, the City Council and Commission consider a larger group of smaller, more administrative Development Code amendments that have been proposed by staff and citizens. The current batch has been divided into three separate groups: Transitional encampments, 2016 Batch, and Deep Green Building Incentives. Many of the 34 amendments were combined into related topics for presentation to the Commission. Staff reviewed the amendments as follows:

- **Amendments 1, 11, 15, 19 and 21** have to do with the current definitions of dwelling types. Currently, the definitions and dwelling unit types are confusing, repetitive and in some cases contradictory. The proposed amendments seek to cut down the number of housing types by combining housing styles into distinct categories: multi-family, single-family attached, and single-family detached. For example, townhomes and duplexes are currently separate, but they are both regulated as single-family attached, and staff is proposing to combine them into one category rather than treating them differently. The definition of “apartments,” will be retained, but it will be updated to read more clearly. Apartments will be considered multi-family housing. Duplexes and townhomes will be defined as single-family attached.
- **Amendments 2, 3, 9 and 31** deal with definitions and inclusions of some standards that come from the Washington State Department of Ecology’s (DOE) National Pollutant Discharge Elimination System (NPDES) Permit. The DOE requires the City to review the codes, rules and standards to incorporate low-impact development principles and best management practices. The City is fairly good on that, but there is always tweaking and updating that needs to be done. The proposed amendments are small, but staff feels it is important to incorporate them into the Development Code. Amendment 2 updates the current definition for “Private Stormwater Management Facility” to add the phrase “infiltrate or otherwise limit runoff.” Amendment 3 provides a reference to the State’s most recent Stormwater Manual, which is published by the Department of Ecology.
- **Amendments 4, 9 and 24** have to do with Unit-Lot Development (ULD). The City is open to consider improved processes and standards in order to create more housing options, reduce barriers, and redefine other types of ownership. A ULD is an alternative approach to the division of property. Other jurisdictions in the area have similar codes in place, such as Seattle and Mountlake Terrace. Proposed Amendment 4 would add a definition of a “Unit-Lot Development,” and Amendment 9 would contain the actual regulations. A ULD is a subdivision of ownership into fee-simple units, which does not require the same building and fire requirements as traditional attached housing that has a property line between the units. It allows separate ownership of housing units within the total site, without requiring condominium ownership and the other restrictions that accompany it.

Commissioner Malek said he supports the concept of ULD. Developers are interested in doing planned urban development, and it does not make sense to require insurance, etc. for development

that is not a condominium product. The proposed amendments will help immensely in terms of right sizing, and allowing people to have ownership in a way that makes intuitive sense. Mr. Szafran explained that the amendment would allow 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 just because there is a property line between the rows of townhomes. It also allows separate ownership of housing units within a parent lot without requiring condominium ownership to the State restrictions.

- **Amendments 20 and 32** have to do with self-service storage facilities. Currently, the City's use tables do not have a standalone use for mini storage or self-storage buildings, and staff has interpreted it as a different type of use. The proposed amendment would add "self-service storage" as a permitted use. Along with that, it incorporates a list of criteria that self-storage facilities would have to meet. The City has been experiencing a large influx of self-service storage development, and concern was expressed about using valuable commercial property for this use. Last month, the City Council enacted an emergency moratorium on self-storage land uses. Staff is seeking feedback from the Commission on this topic. Options to consider include allowing the use in the Community Business (CB) and Mixed-Use Business (MB) zones, but excluding it from the Community Renewal area; allowing the use in all commercial zones as a conditional use, but only as an accessory use to the primary use that is permitted; separating the developments from each other by a specified distance; prohibiting the development of the use in corners or otherwise distinctive parcels as identified in the adopted plans; or allowing the land use where the Comprehensive Plan designates MU-1 (everything along Aurora Avenue North and Ballinger Way except Town Center).
- **Amendments 24, 26 and 28** have to do with single-family setbacks. An amendment would change the density and dimensional table to allow 5-foot setbacks on both sides. Currently, the requirement is a minimum of 5 feet, but 15 feet total on the two sides combined. Another amendment would delete the allowance of expansions of nonconforming uses, but also include provisions that allow more flexibility for people to expand or remodel their homes. Currently, the code only allows a property owner to extend a house along a nonconforming setback if more than 60% of the structure is nonconforming. The last amendment will clarify the provisions for when porches and decks can extend into the requirement setbacks. Currently, the code has some contradictory and/or unclear language.
- **Amendment 2** would prohibit fuel stations in three of the Town Center zones.
- **Amendment 13** would add "Light Manufacturing" as a permitted use in the Mixed-Use Business Zone.
- **Amendment 18** would eliminate the setback requirement for beehives. Currently, the code requires a 25-foot setback from the property line. The intent is to allow beekeepers more leeway.
- **Amendment 29** relates to fence height in the front yard. The current code allows a 6-foot tall, solid fences at the property line, but there is a provision that recommends a 3.5-foot fence in front yards. The code typically does not have recommendations, and staff's thinking is that the recommendation is more of a design standard for single-family development. In either case, a fence must meet the

site-distance requirements for traffic safety. Staff is seeking direction about whether this should be a code requirement or a design standard.

Mr. Szafran advised that two more study sessions on the 2016 Development Code Amendments are scheduled for October 20th and November 17th. A tentative public hearing is scheduled for December 1st. The amendments will be presented to the City Council in January 2017.

Public Comment

There were no public comments.

Commission Discussion

Commissioner Mork referred to the proposed amendments related to ULD's and asked how they would impact the vertical separation walls and fire sprinklers that are typically in townhomes and duplexes. Mr. Szafran explained that the sprinkler standards would not change. The amendment is mostly about ownership issues, but it also affects the fire standards. For example, two townhouses next to each other without a separation can be built as if they are apartments (common walls and structurally dependent on each other). If a property line falls between the two units, the current code requires a thicker wall for greater fire separation and structural independence. The ULD amendment would recognize that ownership has been redefined, and the development would be treated as though the structures are dependent upon each other for stability, and the fire separation would be no different than an apartment without a property line.

Commissioner Mork said she is particularly concerned about how the ULD amendment would impact the townhome arrangement, with vertical walls. In single-family detached development, residents are not as worried about what their neighbors are doing. The same is true for apartments because sprinklers would be required. The code should also provide protection for people in townhomes, as well.

Commissioner Maul commented that the zoning code has bulk regulations in place, and the proposed amendment would not change how much can be developed on a piece of property. Instead, the amendment changes how individual units are defined structurally. He has done projects where the units are structurally independent. Constructing two sets of studs and walls, with a 1-inch air gap, can be considered a property line down the middle. He does not believe that the fire code requirements would be compromised by the proposed amendments. The wall requirement between units works well for apartments. Whether it is one or two studs and sheetrock on the other side, the protection level would be the same either way. While sprinklers are a good thing for large buildings, there are arguments about whether or not they should be required in single-family homes. King County requires them if the fire access is difficult, but homes can be destroyed if sprinklers go off when they are not needed. The intent of sprinklers is to buy time for people to get out of a building. Alarm systems can serve this same purpose, and valuables are not destroyed if they go off when there is no fire. He said he does not see fire and life safety as being a big issue to the ULD concept. The proposed amendments simplify the ability for someone to do multiple units on a single property and avoid unnecessary costs.

Commissioner Malek agreed that the additional requirements add extra costs for both developers and buyers. The definitions are important when you consider the multiple of people who are engaged in real estate transactions. This is particularly true relative to the financial side of development. The definitions can also impact insurance costs down the road. He referred to the development at the corner of 175th Street and 10th Avenue, where there is a single family development, with townhomes on the adjoining properties. The homes are standalone structures, with a gap in between. The only thing connecting the structures is the front siding. Because the project was considered a condominium project, the developer had an extremely hard time getting financing. If an investor hadn't purchased both properties as rentals to accommodate the Shoreline Community College, it might not have received financing. He also voiced concern about the time it takes to subdivide properties.

Commissioner Malek said he needs to review the proposed amendments more thoroughly. If his understanding is correct, the proposed amendments will eliminate freestanding, detached single-family dwellings from being unnecessarily called condominiums. Being called a condominium carries additional burdens that a ULD would not.

Mr. Cohen agreed to bring back more information at the next meeting to address Commissioner Mork's comments about fire safety. Perhaps the Building Official could be available to answer these questions and concerns. Commissioner Mork said she has been told that fire professionals are very concerned about the recent trends in townhome development. They do not have these same safety concerns about apartment and single-family detached development. She would like to understand how these concerns relate to the proposed amendments.

Chair Pro Tem Montero suggested it would be helpful for staff to provide more information about the ramifications of the proposed amendments related to self-service storage facilities. Pictures and examples of existing facilities would be helpful, along with information about how the proposed amendments would have impacted the developments.

Chair Pro Tem Montero asked if mini storage would be the same as self-service storage. Mr. Szafran said the intent of the proposed amendments is to have a catch-all term that is defined in the development code. The definition includes strictly buildings, and not portable storage containers.

Commissioner Mork requested an explanation of the drawing staff provided to clarify the proposed amendments relative to nonconforming setbacks. Mr. Cohen said the site plan shows an existing house that is located on the corner. The front yard setback is only 10 feet and not the required 20 feet. The property owner wants to extend the building along the setback line. As per the current code, if the façade that is nonconforming is more than 60% of the entire facing façade, the property owner could extend the structure along that line with no limit. A house with less than 60% nonconforming façade would not have the same opportunity. It doesn't make sense to have more restrictions on a house that is less nonconforming versus a house with a huge nonconformance. The section of the code that deals with nonconforming structures and uses is much stricter than this current provision. While the intent of the provision was to provide flexibility, it goes beyond what staff feels is reasonable when extending a nonconforming use. The provision is inequitable and defies a certain amount of logic. The proposed amendment related to nonconforming setbacks would be in conjunction with the proposed amendment

that reduces the side yard setback to 5 feet on each side, which would eliminate some of the nonconforming situations.

Mr. Cohen advised that staff will be prepared to review each of the proposed amendments one-by-one with the Commission at their October 20th meeting.

DIRECTOR'S REPORT

Director Markle 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

Commissioner Malek reported that the Draft Environmental Impact Statement for the Point Wells project has been delayed, and there is an informative write-up on it in *THE RICHMOND BEACH NEWS*.

Commissioner Moss-Thomas reported that she attended the September 12th City Council Meeting, where they discussed the 145th Street Station Subarea Plan package. It was interesting to hear their thoughts, and a few things jumped out at her. First, they talked about phasing and noted that there was not a lot of Commission discussion in the record about that particular topic. She recalled that the Commission did not get into a lengthy discussion about phasing. Second, the City Council reviewed a walkshed map, showing how the walkshed would change or increase if there were another non-motorized, pedestrian bridge access between the station and Shoreline besides 145th Street. It was interesting to see how much the walkshed and walkability of the area increased with this additional access point. Although the Commission did not address this issue in their discussions, she believes it is important. She recommended the Commissioners watch the Council Meeting. She noted that Commissioners still have an opportunity to share input with the City Council on a personal basis at the September 26th City Council Meeting.

Chair Pro Tem Montero said he watched the video of the City Council Meeting, and he also noted the comments relative to phasing. His recollection is that phasing was originally proposed by the City Council and not by the Commission.

Assistant City Attorney Ainsworth Taylor commented that if Commissioners choose to speak to the City Council, they would be doing so as individuals and residents, without any representation to the Planning Commission. Their thoughts and information should be directed towards their individual concerns and

not how they would or would not have recommended certain regulations or policy recommendations as Commissioners.

AGENDA FOR NEXT MEETING

Ms. Basher reminded the Commission of their retreat that is scheduled for September 29th at 6:00 p.m. Staff has some ideas for agenda items, but they are also open to suggestions from the Commissioners.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

William Montero
Vic Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission