

**DRAFT**

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
MINUTES OF REGULAR MEETING**

January 19, 2017  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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**Commissioners Present**

Vice Chair Montero  
Commissioner Chang  
Commissioner Maul  
Commissioner Malek  
Commissioner Mork  
Commissioner Thomas

**Staff Present**

Rachael Markle, Director, Planning and Community Development  
Miranda Redinger, Senior Planner, Planning and Community Development  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**Commissioners Absent**

Chair Craft

**CALL TO ORDER**

Vice Chair Montero called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Vice Chair Montero, and Commissioners Chang, Maul, Malek, Mork and Thomas. Chair Craft was absent.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of January 4, 2017 were adopted as written and the minutes of January 5, 2017 were adopted as corrected.

## **GENERAL PUBLIC COMMENT**

**Christopher Carter, Shoreline**, said he is a resident of Camp United We Stand, and was present to speak about the amendments the Commission approved at a previous meeting related to Transitional Encampments. He recommended the City define what creates a “Managing Agency.” For example, is a “Managing Agency” a simple 501c3 or just a group of outside board members? This information is very valuable to the encampment, and he does not think it is wise to adopt the amendments and then get trapped into something they regret tomorrow. He would like the amendments to come back to the Planning Commission. He questioned why the Commissioners never visited an encampment before forwarding their recommendation to the City Council. He noted that Mayor Roberts visited the encampment just today, and had a great talk with the residents.

Mr. Carter expressed his belief that the recommended 20-foot setback would hurt many churches who seek to do God’s will. He fears that the City is close to siding with the “pen-pusher oppressors.” They need to be careful about how they work their pens; they can hurt or they can help. The Commission is designed to help before it hurts, and if the Commissioners were fulfilling their obligation to help, they would visit the encampments and feedlines. These are times of healing, but when people use the pen to seek their own healing before seeking the healing of others, they shorten themselves.

## **CONTINUED PUBLIC HEARING: DEEP GREEN INCENTIVE PROGRAM**

Vice Chair Montero reviewed the rules and procedures for public hearings and then re-opened the public hearing.

### **Staff Presentation**

Ms. Redinger reviewed that the Deep Green Incentive Program was initially presented to the Commission on February 18, 2016, with a presentation by the International Living Future Institute (ILFI). On October 20, 2016, staff presented a draft ordinance and implementing regulations, and the first public hearing took place on December 1, 2016. Changes were made and the hearing was continued on January 5, 2017. Following the January 5<sup>th</sup> hearing, additional changes were made and the hearing was continued to January 19, 2017. She reviewed the changes made on January 5<sup>th</sup> as follows:

- The Living Community Challenge (LCC) was added as an additional program under Tier 1, alongside the Living Building Challenge (LBC).
- Built Green Five Star was added to Tier 3, along with Leadership in Energy and Environmental Design (LEED) Platinum.
- An additional requirement (Salmon Safe Certification) was added to Net Zero Energy Building (NZEB) Certification. Also, the language was clarified that Salmon Safe does not currently certify single-family homes, and the requirement would only apply to multi-family, mixed-use, and commercial development.
- The potential available parking reduction was reduced to 50% for Tier 1, 35% for Tier 2, and 20% for Tier 3.

In addition to the above changes, Ms. Redinger said the Staff Report notes the following:

- The Assistant City Attorney revised the ordinance language to make it more consistent with how the City generally writes ordinance language.
- The Commission may want to slightly amend the language to clarify eligibility for a parking requirement reduction.
- The draft regulatory language (Exhibit A to Attachment A) includes new language to clarify that any additional units that would be built under the program would be required to be built to the same certification standards as the primary or original request.
- Additional language was added to incorporate the certification and timeframe terms used in the Salmon Safe Certification. It specifically points out that “Salmon Safe” is the name of both the certification and the certifying organization.

Ms. Redinger recalled that, following the January 5<sup>th</sup> hearing, there appeared to be only a few issues remaining for the Commission to work through. To aid in their continued discussion, staff can provide more detailed information to clarify what the bonus potential could look like for each tier (attached versus detached). Staff could also review the map of the existing 10,000 square foot lots again, recognizing that there could be more through aggregation. A representative from Built Green is present to provide additional information about what it would mean for Five Star and Emerald Star projects to be eligible. They can also visit the ILFI’s case study website, which has a wealth of information and a high-level summary of the kinds of projects that are being built throughout the world.

Because the Commission continued the hearing from January 5<sup>th</sup> to January 19<sup>th</sup>, Ms. Redinger reported that staff has secured new dates to present the amendments to the City Council. As currently scheduled, the City Council will have a study session on February 27<sup>th</sup> and March 20<sup>th</sup> will be a public hearing and potential adoption.

Ms. Redinger reviewed that the Commission’s work started with a presentation from the ILFI. Over time, the program was expanded to incorporate the top tier of other existing programs. As a potential next step, the Commission could invite representatives from other organizations such as Built Green, Salmon Safe and Passive House to explain their programs.

### **Clarifying Questions of the Commission**

Commissioner Thomas asked if it is correct to assume that, based on the density bonuses currently proposed, a 10,000 square foot lot in an R-4 or R-6 zone could be divided into two, 5,000 square foot lots. Director Markle answered that this would not be allowed, as the minimum lot size requirement would still apply. However, it would be possible in an R-8 zone, which allows for 5,000 square foot lots.

Commissioner Malek said his understanding is that a density bonus would allow a 10,000 square foot lot to be subdivided into two 5,000 square foot lots. A property owner could also aggregate two parcels to equal 10,000 square feet, and then subdivide the property into two 5,000 square foot lots. Director Markle explained that density and lot size are two separate standards. The proposed ordinance would allow for a density bonus, which would allow a second unit, but they would both be on the same lot. Commissioner Malek asked if the units would be considered detached, single-family condominiums.

Director Markle answered that is one option, but they could also be considered zero lot line development. Commissioner Malek summarized that the development would be considered two separate homes. Even though the property is not eligible to be subdivided, the units could be sold separately in some other manner.

### **Public Testimony**

**Barbara Twaddell, Shoreline**, said she has been a resident of Shoreline for 36 years and is concerned about how the proposed ordinance would impact the numerous 10,000 square foot lots that are spread throughout the City. She does not want increased density in all of Shoreline's neighborhoods. Increasing density in neighborhoods that are far from transportation hubs, under the guise of being green, is just the opposite of green. It is basically endorsing sprawl within the City. She asked them not to do it. She referred to a statement made by Ms. Redinger, that half of all emissions comes from transportation, and noted that adding up to 3,000 green homes far from transportation hubs will increase rather than decrease greenhouse gases. According to the Federal Highway Administration, the average household takes about 3,000 car trips per year. When this is multiplied by approximately 3,000 new homes spread out in all of the City's neighborhoods, there could be approximately 9 million extra trips in Shoreline per year. This increased car travel alone would far outweigh any green home benefits, and that is why the Growth Management Act (GMA) specifically tries to dissuade sprawl. She questioned why the Deep Green Incentive Program is being pushed on the citizens of Shoreline, who are being asked to sacrifice the quality of their neighborhoods for a radical, unproven idea that will likely contribute to increased global warming. Calling it green does not make it so. She asked that the City not use the Deep Green Incentive Program to allow double density in single-family neighborhoods. If the City wants more green homes built in neighborhoods, other incentives could be used, such as waiver of fees or decreased property taxes.

**Pam Cross, Shoreline**, said she has lived in Shoreline for a long time, as well. She commented that, at the end of the day, the intent of a contract is meaningless. The only thing that counts is the actual wording of the contract. She noted that, as proposed, Tier 1 projects would be allowed a density bonus of 100%, Tier 2 would allow a 75% bonus, and Tier 3 would allow a bonus of 50%. She explained that the base density in the R-4 zone is four units per acre, and the base density in the R-6 zone is six units per acre. A developer who purchases a one-acre lot and certifies under Tier 1 would be allowed to build at a base density of eight (R-4) or twelve (R-6). She referred to the December 1<sup>st</sup> Commission Minutes where a Planning Commissioner questioned how Tier 1 would be applied in the single-family zones. The answer was that a good example would be cottage housing, which could allow twelve units per acre rather than six.

Ms. Cross reviewed that per the ILFI's website, the LBC Certification Program is constantly evolving in response to feedback from project teams and progress in the design, construction and manufacturing industries. Version 3.1 makes the challenge "more achievable" without sacrificing the rigor or intent of the program. She said this is a good reminder not to dismiss Tier 1 out of hand because things will continue to change as more challenges are made, new products are created, and new methods are discovered. Although the program calls for financial penalties for developers if the houses fail to meet certification requirements, the houses will already be built, creating a permanent penalty for the neighborhood. She summarized that twelve houses on an acre of land, which is 43,560 square feet, will

be equivalent to three houses on a 10,000 square foot lot. It is also important to note that the entire acre does not have to be buildable to qualify for all twelve houses. If part of the land slopes down, which is common, it would still be considered part of the total acreage and all of the houses can be built on the level part because other available departures include setback and lot coverage standards.

**Margaret Willson, Shoreline**, said she visited ILFI's website to research the Petal Certification Program and submitted written comments prior to the meeting. She also reviewed the latest version of the LBC (Version 3.1) Program, which is different than the program that was presented to the Commission in February of 2016. She was shocked to find that ILFI's agenda is diametrically opposed to the interest of most of the current citizens of Shoreline and to the reasons people have for wanting to live in Shoreline rather than in Seattle. The agenda is antithetical to preserving the citizens' habitat, and the Deep Green Incentive Program, is a foot in the door for a habitat destroying agenda. She reviewed some of the ILFI's goals, as specified in LBC Version 3.1:

- **Do away with suburbs** (or Shoreline as we know it today). An excerpt from Page 18 reads, *"The Challenge promotes the transition of suburban zones to grow into either new urban areas with greater density or to create balanced mixed-use villages that can support full lives with minimal car trips or to be restructured as new rural zones for food production, habitat and ecosystem services."*
- **Do away with single-occupancy vehicles and perhaps cars in general.** An excerpt from Page 26 reads, *"Automobiles, often used as single-occupancy vehicles, have become integral to our communities when we should depend on people power (walking and bicycling) as the primary mode of travel and supplemented with shared transit."*
- **Do away with freeways and parking lots.** An excerpt from Page 62 reads, *"When we accept billboards, parking lots, freeways and strip malls as being aesthetically acceptable in the same breath we accept clear cuts, factory farms and strip mines."*

Ms. Willson said she does not think the people of Shoreline want to do away with suburbs, cars, freeways and parking lots. She urged the Commission to remove single-family zones from the Deep Green Incentive Program. If not, they need to at least make it clear to the citizens of Shoreline that ILFI wants a fundamental transformation of the current way of living, working and traveling. The proposal should be put to a vote so citizens can make clear whether they support it or not.

**Leah Missik, Seattle, Built Green, Program Manager**, explained that Built Green's highest certification level (Emerald Star), is listed at Tier 2 in the proposed Deep Green Incentive Program. Built Green Five Star is listed as Tier 3. She recalled that she previously shared some details about the Built Green Program, which is a home certification program (single-family, townhomes and apartments). It does not certify commercial projects. She recently reviewed Built Green's 2016 numbers, as well as a recent study of an Emerald Star project in Ballard, which indicated an excess of energy is being produced by the home. Over a period of 400-days, the home consumed -410 kilowatt hours, compared to a typical home that consumes roughly 1,000 kilowatt hours each month. The study also found that the average water use was 20 gallons per person per day compared to the state's average of about 67 gallons per person per day. As part of the study, Built Green also solicited feedback from the homeowners. Although they were not initially looking for a green home and had to give up a

number of things they originally wanted, they indicated they would not change a thing now. They have adapted to the home's systems, which are comfortable, and they feel they are part of the neighborhood.

Ms. Missik reviewed another Emerald Star Project in Issaquah Highlands, which is a 10-unit townhome project. She noted that one of the homeowners in the project now sits on Built Green's Executive Committee. The owners are really happy with their homes, which are performing as modeled with net zero energy and about a 70% reduction in water. She summarized that there are a few outstanding Emerald Star Projects, and they deserve to be rewarded. The homeowners who live in them are very happy and well-integrated into their neighborhoods. From an environmental perspective, the homes are functioning just as expected.

### **Continued Commission Deliberation and Recommendation**

Vice Chair Montero referred to Shoreline Municipal Code (SMC) 20.60.630(E)(3)(a), which includes a new sentence. Ms. Redinger said this sentence addresses Ms. Twaddell's concern that it is not clear whether or not additional units granted under a density bonus would be required to conform to the same standards as the original project. Assistant City Attorney Ainsworth-Taylor reminded the Commission that there is a motion on the table (from the last meeting) to recommend adoption of Ordinance 760, and several amendments were made to the original motion. Any additional changes since the Commission's last meeting must be moved and voted on separately.

Ms. Redinger also pointed out that new language was added to SMC 20.50.630(F)(5) based on the Commission's previous action to add Salmon Safe Certification to the program. Assistant Attorney Ainsworth-Taylor recalled that, as part of the Commission's previous action, Ms. Redinger was given direction to incorporate the Salmon Safe Certification into all sections of the code as needed. However, for clarification, the new language could be specifically noted by the Commission.

**COMMISSIONER MORK MOVED THAT THE LANGUAGE IN SMC 20.50.630(E)(3)(a) BE AMENDED BY ADDING AN ADDITIONAL SENTENCE AT THE END TO READ, "ANY ADDITIONAL UNITS GRANTED WOULD BE REQUIRED TO BE BUILT TO THE SAME GREEN BUILDING STANDARD AS THE FIRST." COMMISSIONER THOMAS SECONDED THE MOTION.**

Commissioner Chang questioned how the proposed change would be impacted by the Commission's recommendation relative to density bonuses. Commissioner Mork explained that the new language simply requires any additional units granted to be built to the same green building standard, and density bonuses are a separate issue. Ms. Redinger agreed and clarified that even if the Commission recommends to remove the density bonus as an option in the R-4 and R-6 zones, it could still be an option for R-12, R-24, and R-48 zones that still have a density limit.

**THE MOTION CARRIED UNANIMOUSLY.**

Ms. Redinger reviewed a density table, which applies the potential density bonuses associated with the three tiers to both detached and attached unit development. She reminded them of the rule that allows a developer to round up for attached projects, but not for detached projects. She explained that all three

tiers allow a developer to obtain a second unit without rounding up if the units are detached, but a detached unit project would not be allowed to round up beyond two units. As an example, she reviewed that under Tier 1, a full LBC Project on a 10,000 square foot lot would allow 2.75 units. For a detached project, that would only equal two units, but for an attached project it would equal three units because rounding up would be allowed.

Ms. Redinger explained that, although the density table is intended to represent possibilities, it is also important to talk about probabilities. It would be very concerning if the program were utilized by every eligible parcel, but it is important to understand that, from a market perspective, there are no Tier 1 projects presently in Shoreline, and only a handful in Seattle and the entire world. However, if the Commission is concerned about how the program could impact single-family residential neighborhoods, it could simply remove that option for single-family zones. Another option would be to put a limit on the number of projects that could be built in the single-family zones.

Vice Chair Montero asked how ownership would work on a 10,000 square foot lot with two detached units. Commissioner Malek said his understanding is that there would still be two homes owned by separate people. A condominium arrangement would be the most common approach for Shoreline, and the arrangement would address such things as maintenance for the common areas, shared driveways, etc. The detached units could be developed to appear as separate homes to fit in with the character of the neighborhood, but he felt that immersing a number of attached units into single-family zones could distort the character of the neighborhood.

Commissioner Malek referred to the map provided by staff to illustrate the 3,200 existing lots that are 10,000 square feet or greater. He noted that approximately 750 of the lots are located in The Highlands and Innis Arden and would be exempt because the existing homeowner association rules provide an additional level of control. Another 1,000 lots would not be eligible for a density bonus because of topography, zoning, etc. That leaves about 1,600 lots that would be eligible for a density bonus, which is about 11% to 12% of the total housing stock in Shoreline. He summarized that this is a significant number that could alter the character of existing neighborhoods. Shoreline is known for tree canopy and trying to preserve its suburban character. Density of this kind is innocent and may be justified for ILFI programs, but the proposed ordinance does not include a system for putting the brakes on. He said he agrees with the concerns raised by citizens and felt that density should be addressed as a standalone issue. He has concerns about allowing a density bonus in single-family zones as part of the program. It could be added at a later time, if needed.

Commissioner Maul pointed out that there is not a huge amount of interest in deep green construction because it is costly and difficult, and he does not foresee a mad dash to develop this high-level product on all of the eligible lots in Shoreline. The City needs to be forward thinking and recognize that the world is changing. The GMA is intended to address concerns about urban sprawl, which is not a valid concern for Shoreline because of its close proximity to Seattle. He said he can support the proposed ordinance, but perhaps they should limit its application to ten homes as a safety net. He felt it would be a positive move to allow developers to try a few projects to see if the concept catches on. He does not see that it would denigrate the R-4 and R-6 neighborhoods.

Commissioner Chang said she would hate if one of the few deep green projects was located next door to her. Although it would be a good experiment, the project would still appear as two single-family homes next door, regardless of whether they are green or not. She does not like the idea of pushing an experiment of density into single-family neighborhoods. The density should remain where it is currently zoned to be. She recommended that the density bonus option be removed from single-family neighborhoods. She recalled that the Commission's previous discussion only included the possibility of two units with Tier 1, but according to the density chart provided by staff, it would also be a possibility in Tier 2 and Tier 3, which are easier to achieve. While it has been suggested that the probability is low of getting multiple Tier 1 developments in Shoreline, she recalled that the builder of the Bullitt Center indicated that the density bonus is particularly intriguing.

Commissioner Thomas also voiced concern about how the density bonus provision could impact single-family neighborhoods, and she would be more in favor of applying the ordinance as a pilot program. Perhaps an element of the pilot program could be a neighborhood meeting requirement to help alleviate concerns. She is particularly concerned that a Tier 3 project on a 14,522 square foot lot could result in three units. She said she has heard very little community support for allowing density bonuses in single-family residential zones. If the ordinance moves forward, it should be done as a pilot program in single-family residential zones, and additional criteria could be added to provide neighborhood safeguards.

Assistant City Attorney Ainsworth-Taylor explained that, in Washington State, the opportunity for the public to speak on the development and vision of the community is when the zoning and development regulations are created. The courts are pretty solid that, once a project meets the zoning and development standards, neighborhood dissatisfaction cannot bring it to a halt. Adding criteria that requires the neighborhood to agree to a proposed project is contrary to Washington State law.

Commissioner Chang noted that density is only one of the incentives outlined in the proposed ordinance. In addition to the fee waiver, she asked staff to share some of the other incentives that are offered in the proposed program. Ms. Redinger said the proposed ordinance outlines options for requesting departures to meet the certification for setbacks, lot coverage, etc. As stated by the builder of the Bullitt Center, developers of LCC and LBC projects are less likely to request a density bonus, but density bonuses would be a more meaningful incentive for the lower tiers. She recalled that the Commission first raised concern about the density bonus in December, and Chair Craft had commented that he was not interested in removing the density bonus from the ordinance because it would be the most meaningful incentive for single-family zones. She felt that the likelihood of it being used in single-family zones is relatively low even though it would be more meaningful and more possible for a Tier 3 project.

Commissioner Mork reminded her colleagues that the City's initiative calls for reducing greenhouse gases by 50% by 2030. They will not reach that goal by addressing transportation, only. They need to think of other ways to make it happen. It is very difficult to find builders who are competent in deep green development, and she felt it appropriate for the City to offer incentives to attract interested developers. She noted that there are few deep green projects in the Puget Sound area and even worldwide, and she would love Shoreline to be a showcase. She summarized that deep green development is very costly and she does not see it as a high probability in Shoreline, but she would like the City to do what it can to attract this type of development.

Commissioner Chang pointed out that “residential” refers to both multi-family and single-family residential zones. Although the density bonus is not available in the Mixed-Use Residential Zones, there are height bonuses and other incentives. By providing incentives, particularly in the station areas, the City would be contributing to significant improvements in greenhouse gas emissions.

Assistant City Attorney Ainsworth-Taylor suggested the Commission could utilize the same approach that was used in SMC 20.50.630(E)(3)(b) and add “not applicable in single-family zones” at the end of SMC 20.50.630(E)(3)(a).

Commissioner Malek asked if it would be reasonable to return the ordinance to staff to develop it in such a way to create a pilot that has limits to its application. He agrees that density should not be allowed to go unchecked or taken advantage of, but it would be unfortunate to not have a program in place. The City needs to be forward thinking, particularly when there are 236 people moving to the Puget Sound Region every day. He voiced concern that the City may end up having the decision made for it.

**COMMISSIONER CHANG MOVED TO AMEND SMC 20.50.630(E)(3)(a) BY ADDING “NOT APPLICABLE IN SINGLE-FAMILY ZONES” AFTER THE COLON IN THE FIRST SENTENCE.**

Director Markle clarified that the Comprehensive Plan calls single-family zones “Low-Density Residential,” and they go up to six dwelling units per acre. “Medium-Density Residential” goes up to twelve dwelling units per acre. The motion on the floor would apply to just to R-4 and R-6 zones.

**THE MOTION FAILED FOR LACK OF A SECOND.**

Assistant City Attorney Ainsworth-Taylor voiced concern that transferring the program from a permanent regulation program to a temporary pilot program would change the entire scope of the proposal before them. She would not recommend approval of a pilot concept without allowing additional public comment.

Commissioner Malek asked if it would be possible for the City to revisit the ordinance down the road if there are no applications for deep green building and the City wants to add other types of incentives or bonuses. Assistant City Attorney Ainsworth-Taylor answered that the Development Code can be amended at any time, and new incentives programs could be added at a later time. Commissioner Malek asked if it is possible to add language to the ordinance that would trigger review at some point in the future. Assistant City Attorney Ainsworth-Taylor answered that, occasionally, a sunset or revision clause can be built into a regulation, but this option was not advertised as part of the proposed ordinance. However, the City Council has an opportunity for additional public comment on the proposal, and they are free to change the Planning Commission’s recommendation to include a sunset or revision clause or implement a pilot program.

Commissioner Thomas said she is particularly concerned about the ability to develop three units on a 10,000 square foot lot. She would not be opposed to allowing a density bonus as long as there is also a minimum lot size requirement of 5,500 or 6,000 square feet. Assistant City Attorney Ainsworth-Taylor

cautioned that lot size and density are different. The density bonus would allow two structures on one lot, but creating two separate lots would require a subdivision and the properties would have to meet the minimum lot size requirement of the zone. Ms. Redinger summarized that a lot in an R-6 zone would have to be 14,400 square feet in order to be subdivided.

Commissioner Thomas said she does not have a problem with allowing a density bonus so a 10,000 square foot property can accommodate two units, but she is more concerned about allowing three units on that same property. It could result in homes being developed on very small spaces and changing the character of the single-family neighborhood. Commissioner Malek agreed and suggested that the density bonus concept should be discussed further with more community input. In order to move the ordinance forward, he suggested that the density bonus option should be removed completely and hope that the remaining incentives are attractive enough to bring developers on board.

Commissioner Mork reminded the Commissioners that, once adopted, the ordinance could be amended at any time to add or delete provisions. That means that if there is an influx of deep green development, the City could amend the code to limit the number. Commissioner Thomas agreed that the City Council could impose a moratorium on new deep green development, but the Planning Commission could not.

Commissioner Thomas suggested that perhaps they could add a requirement that the minimum area for each house on a lot must average 5,000 square feet. Ms. Redinger said there is no precedence anywhere else in the code for this type of approach. Assistant City Attorney Ainsworth-Taylor commented that is the intent of the minimum lot size requirement in regular zones.

Commissioner Thomas said she hates to exclude the density bonus from single-family zones, but she wants to have some mechanism that ensures that density does not become overdone. Commissioner Chang questioned why a density bonus must be included as an incentive. She suggested they try the other incentives, combined with peoples' desire to live in greener homes, to see if they can make something happen. Commissioner Thomas asked what other incentives would be available in single-family zones. Ms. Redinger answered that, as proposed, projects in single-family zones would be required to have pre-application and neighborhood meetings, and the City could consider waiving a percentage of the stormwater fee. There is also a mechanism to waive a percentage of the transportation impact fee.

**COMMISSIONER CHANG MOVED THAT SMC 20.50.630(E)(1) BE AMENDED BY CHANGING THE FIRST SENTENCE TO READ, “THE DEPARTURE WOULD RESULT IN A DEVELOPMENT THAT MEETS THE GOALS OF THE SHORELINE DEEP GREEN INCENTIVE PROGRAM AND WOULD NOT CONFLICT WITH THE HEALTH, CHARACTER AND SAFETY OF THE COMMUNITY.” COMMISSIONER MOSS SECONDED THE MOTION.**

Commissioner Maul cautioned that the term “character” could be hard to defend and/or define since it is based on opinion. He questioned who would make the determination that a project does or does not impact the character of the community. Commissioner Chang said the intention would be that the reviewers would consider community character when reviewing departure requests.

**THE MOTION FAILED 1-5, WITH COMMISSIONER CHANG VOTING IN FAVOR AND COMMISSIONERS MAUL, MALEK, MONTERO, MORK AND THOMAS VOTING IN OPPOSITION.**

Commissioner Malek asked about the implications of postponing the Commission's recommendation and then notifying the public that they would be reconsidering the ordinance as a pilot program. Assistant City Attorney Ainsworth-Taylor advised that the Commission would need to officially close the public hearing related to the proposal currently before them. A "pilot" Deep Green Incentive Program could come back as a new proposal, and the process would start all over again, with another study session, followed by a public hearing.

Commissioner Maul reminded them that the City Council would still have an opportunity to review the proposal and conduct a public hearing. The proposed ordinance contains a lot of good elements, and he suggested they forward their recommendation and thoughts to the City Council, and then let them do their job to finalize the ordinance.

**COMMISSIONER MALEK MOVED TO AMEND SMC 20.50.630(E)(3)(a) BY ELIMINATING THE FIRST SENTENCE OF THE LAST PARAGRAPH AND ADDING "NOT APPLICABLE IN SINGLE-FAMILY ZONES." COMMISSIONER CHANG SECONDED THE MOTION.**

Commissioner Maul pointed out that, as currently proposed, the density bonus would be excluded from the R-12 and R-8 zones. Director Markle suggested that the language should specifically call out the single-family zones where the density bonus would not be allowed.

**COMMISSIONER MALEK MODIFIED THE MOTION TO AMEND SMC 20.50.630(E)(3)(a) BY ELIMINATING "MINIMUM LOT SIZE OF 10,000 SQUARE FEET IS REQUIRED FOR R-4 AND R-6 ZONES IN ORDER TO REQUEST DENSITY BONUS" AND BY ADDING "NOT APPLICABLE IN SINGLE-FAMILY ZONES" AFTER THE COLON IN THE FIRST SENTENCE. COMMISSIONER CHANG ACCEPTED THE MODIFICATION.**

Commissioner Thomas again voiced concern that the motion, as currently proposed, would exclude the density bonus from the majority of zones where single-family housing is allowed. She suggested that a better approach would be to require a minimum lot size of 15,000 square feet in the R-4 and R-6 zones. This would result in a minimum average lot size of 5,000 square feet for three units and 7,500 square feet for two units. She noted that 7,500 square feet is close to the standard for the R-6 zone. She concluded that this approach would get the Commission beyond the point of excluding the density bonus from single-family zones.

**THE MOTION FAILED 3-3, WITH COMMISSIONERS MALEK, CHANG AND MONTERO VOTING IN FAVOR AND COMMISSIONERS MAUL, MORK AND THOMAS VOTING IN OPPOSITION.**

**COMMISSIONER THOMAS MOVED THAT SMC 20.50.630(E)(3)(b) BE AMENDED TO CHANGE THE PHRASE INSIDE THE PARENTHESIS TO READ, "NOT APPLICABLE IN R-4 AND R-6 ZONES." COMMISSIONER CHANG SECONDED THE MOTION.**

Commissioner Thomas said that, as currently proposed, the parking reduction bonus would not be applicable in the R-4 and R-6 zones. Parking bonuses would be an option in all of the other zones. Ms. Redinger added that specifically calling out the R-6 and R-4 zones leaves the language less open to interpretation.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Moss said she understands that setting a minimum lot size requirement of 15,000 could be arbitrary because it is not based on any study. However, she expressed her belief that it would add clarity and some level of comfort that homes would not be developed on very small lots.

**COMMISSIONER THOMAS MOVED THAT SMC 20.50.630(E)(3)(a) BE AMENDED BY ADDING A SENTENCE TO THE LAST PARAGRAPH TO READ, “MINIMUM LOT SIZE OF 15,000 SQUARE FEET IS REQUIRED IN R-4 AND R-6 ZONES IN ORDER TO REQUEST DENSITY BONUS.” THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Mork questioned why the ordinance does not include “prioritized permitting” as another potential incentive. She asked if it could easily be added, and if so, where should it be added. Ms. Redinger noted that one of the major incentives in the City of Seattle is the ability to jump to the front of the permitting queue. However, the City’s queue is not currently long enough for it to be considered a meaningful incentive. Assistant City Attorney Ainsworth-Taylor commented that this change would be within the scope of the current proposal. She suggested that “Expedited Permit Review” could be added as an additional incentive in SMC 20.50.630(D).

Commissioner Malek asked if the City has a program called “Fast Track” for additions and projects of 500 square feet or less. Director Markle answered that the City does not have a “Fast Track” Program, but they do offer over-the-counter permitting for some smaller projects. Expedited permitting means that a project would move to the front of the line. Assistant City Attorney Ainsworth-Taylor pointed out that, as per the current fee table, the permit fee for expedited permit review is double. Including expedited permit review as an incentive would require clarification that there would be no additional fee.

**COMMISSIONER MORK MOVED THAT SMC 20.50.630(D) BE AMENDED TO INCLUDE “EXPEDITED PERMITTING WITHOUT THE ADDITIONAL FEE SPECIFIED IN SMC 3.01” AS ANOTHER INCENTIVE OPTION. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

At the request of Assistant City Attorney Ainsworth-Taylor, Ms. Redinger noted where language relative to the Salmon Safe program was added throughout the ordinance. Assistant City Attorney Ainsworth-Taylor suggested the Commission do a simple motion to approve the additions. Commissioner Thomas referred to SMC 20.50.630(D)(1) and said it is not clear that NZEB and Salmon Safe would both be required in order for a developer to obtain a waiver of City-imposed application fees. Ms. Redinger agreed that that is the intent. Assistant City Attorney Ainsworth-Taylor referred to the definition section and noted that NZEB is defined as being NZEB in combination with Salmon Safe. Commissioner Thomas agreed that the definition would address her concern.

**COMMISSIONER MORK MOVED TO ACCEPT ALL OF THE AMENDMENTS RELATIVE TO THE SALMON SAFE PROGRAM. COMMISSIONER THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

Commissioner Mork noted that the Commission has talked about incentives for Deep Green Development, but they haven't talked about surcharges for people who want to build traditional developments. Assistant City Attorney Ainsworth-Taylor cautioned that this would be outside of the scope of the current proposal.

**VICE CHAIR MONTERO REVIEWED THAT THE MAIN MOTION (made at the January 5<sup>th</sup> meeting) WAS TO FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR DRAFT ORDINANCE 760 AS AMENDED BY STAFF AND THE COMMISSION.**

**THE MAIN MOTION CARRIED 4-1-1, WITH COMMISSIONER CHANG VOTING IN OPPOSITION AND COMMISSIONER THOMAS ABSTAINING.**

**DIRECTOR'S REPORT**

Director Markle briefly reviewed the status of the projects that were included in the development update that was provided to the Commission in writing at the last meeting.

Director Markle noted that the Commissioners received an invitation to the Ronald Commons Hopelink Open House on February 6<sup>th</sup> from 1:00 to 3:00 p.m.

**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**

Director Markle announced that the February 2<sup>nd</sup> meeting has been canceled because there are no agenda items.

**ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

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William Montero  
Vice Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission