CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

January 5, 2017 | Shoreline City Hall
7:00 P.M. | Council Chamber

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

Staff Present
Rachael Markle, Director, Planning and Community Development
Paul Cohen, Planning Manager, Planning and Community Development
Miranda Redinger, Senior Planner, Planning and Community Development
Julie Ainsworth Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

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

Director Markle introduced Carla Hoekzema, the City's new Planning Commission Clerk, and the Commissioners welcomed her.

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of December 15, 2016 were adopted as corrected.

GENERAL PUBLIC COMMENT

Cynthia Roat, Shoreline, said she has been working with homeless populations since 2009, and she is also president of Greater Seattle Cares, a small non-profit organization (501c3) that provides material

support to four homeless encampments in the Puget Sound Area. She recognized that the Commission forwarded its recommendation relative to transitional encampments to the City Council on December 15th. She said she was not present at the public hearing prior to the recommendation because she thought it would be a debate about backyard encampments, which is not something that Greater Seattle Cares supports. She was very surprised to see that two of the proposed amendments would make it nearly impossible for any homeless encampment to find a host in Shoreline. She does not believe this was the City Council's intent based on Resolution 379, which states that the City will continue to review City policies and codes that may create barriers for those experiencing homelessness.

Ms. Roat specifically voiced concern about the amendment requiring that sites must be owned or leased by a city-approved management agency. Most of the encampment hosts are churches, but they do not manage the camps and they are not competent to do so. The camps are self-managed, typically with oversight by an independent 501c3 that has experience in managing homeless encampments. For example, the encampment in Shoreline is managed by Camp United We Stand, which has its own board of directors to provide final oversight. However, it does not own the properties. Requiring a church to establish a leasing agreement with one of these organizations will create a big barrier for many churches who will not want to actually lease their land.

Ms. Roat also voiced concern about the amendment requiring a 20-foot setback. As per a recent survey, only about half of the 50 churches in Shoreline have sufficient property to host a small encampment, and the 20-foot setback requirement would drop the number to about three. That means that 94% of the churches in Shoreline would no longer have the option of hosting an encampment on their land. She does not understand what the setback requirement would accomplish. She has been working with camps since 2009, and there have been no complaints from neighbors about any of the problems that the setbacks are supposed to address. She questioned why the Commission is recommending this additional barrier, which will so limit the opportunities for churches to exercise their right to provide sanctuary to people who are poor and homeless. She also questioned if the requirement would constitute an anti-homeless law, and she agreed to provide citations of cities that have been sued and lost in the court because of creating this kind of barrier to churches exercising their right to provide sanctuary. Although the amendments do not specifically prohibit homeless encampments, they create so many barriers that it will be very difficult to find hosts.

Ms. Roat summarized her comments by asking where homeless people are expected to go. They can't be on private land or in people's backyards, and now the setbacks will be so large that there are no public lands that will take them, and churches will not be able to host them either. Are the amendments essentially saying that it is illegal to be homeless in Shoreline and there is nowhere for these people to go? That is not the message she wants to the City to send. She appreciates the work the Commission does on behalf of the citizens, but she hopes they will act on behalf of all the citizens, including those who are homeless.

Chair Craft recalled that the Commission's intent was that the "managing agency" could be a church. Assistant City Attorney Ainsworth-Taylor commented that "managing agency" includes any approved non-profit or religious organization. The organization could either own or lease the property, and the lease could be a no-dollar or one-dollar lease. The City code provisions would not establish any

contractual obligations. The property owner would typically apply for the application, and a managing agency would handle the everyday operations of the camp.

Marcelino Rivera, Shoreline, said he is a resident of the encampment in Shoreline. He also referred to Resolution 379, which calls for the City continuing to review codes and policies that may create barriers for those experiencing homelessness. He voiced his concern that the 20-foot setback requirement would create barriers. The encampment is set up to provide security to make sure that nuisance people are kept out and that trash is picked up. The intent is to make sure that the tenants of the encampment are not a burden on the surrounding community. If someone can't pay their daily fee, they are assigned to perform service in the neighborhood. He said the setbacks would make it difficult for encampments to locate in Shoreline. If the encampment has to move to Seattle, the residents will be closer to the riffraff and drug addicts. He is a recovered drug addict, and this would be detrimental to him. He moved to Washington to get away from problem environments, but it is difficult for him to get a job because he has no identification. The setbacks will make it more difficult for him to be legal, and he already feels like a criminal sometimes because he is homeless. He asked them to reconsider the 20-foot setback requirement.

Assistant City Attorney Ainsworth-Taylor pointed out that the Planning Commission's work on the Transitional Encampment amendments is done, and the recommendation has been moved forward to the City Council. Public comments regarding the amendments can be presented to the City Council when the item comes before them for review and a public hearing.

Tom Poitras, Shoreline, referred to Ms. Roat's comment that no one has ever complained about church encampments. Whether she was talking about the 20-foot setback or not, in the public hearing where the issue was decided, someone from Richmond Beach commented about living across the street from a church that hosted an encampment. He was very upset that homeowners were unable to sell their homes while the encampment was present. It is not true to claim that no one has ever complained about encampments. For example, what happens if a homeowner is transferred to another City and has to sell his/her home? The price of the house would either be deflated because of the encampment, or the homeowner would have to wait to sell the property until the encampment is relocated.

CONTINUED PUBLIC HEARING: DEEP GREEN INCENTIVE PROGRAM

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

Staff Presentation

Ms. Redinger reviewed that the City joined with King County and the King County/Cities Climate Collaboration (K4C) in creating joint city/county climate commitments. The three primary pathways identified by the group for reducing greenhouse gas emissions are transportation, buildings and energy supply. For example, the goal should be no net carbo emissions for new buildings; and due to more advanced building codes, building should be 70% more energy efficient by 2031. That still leaves room for a 25% reduction in existing building electricity use, a 25% reduction in natural gas use, and 90%

renewalable electricity use. Staff believes that incentivizing green building is a very meaningful way to reduce greenhouse gas emissions.

Ms. Redinger further reviewed that the City Council adopted the Climate Action Plan in 2013, which specifically adopts targets to reduce greenhouse gas emissions 80% by 2050 and 50% by 2030. These are ambitious but achievable targets. Staff performed a carbon wedge analysis to break down exactly how the targets could be met, but it is important to note that the City cannot reach the aggressive emission targets by simply picking the low-hanging fruit or doing business as usual. She referred to the most recent Community Greenhouse Gas Inventory (2012), which shows that roughly half of the emissions are in the transportation sector, and the remaining half are in the building sector. She recalled the work that was done during the light rail planning process to reduce vehicle miles traveled and provide alternative transportation opportunities. However, 21% of the greenhouse gas emissions come from residential electricity, natural gas, heating oil, etc. The intent of the proposed amendment is to move toward greener buildings that cut emissions significantly.

Ms. Redinger recalled that the project was initially called the "Living Building Challenge Ordinance" or "Petal Recognition Program." The City Council directed the staff and Planning Commission to work on the project as a priority recommendation in the 2016-2019 timeframe. In February of 2016, the Commission received a presentation by the International Living Future Institute (ILFI) regarding a certification program and potential components of an ordinance. By October, staff had worked with K4C cities and certification organizations and also had several conversations with local green building developers to make sure they were on the right track in terms of creating meaningful incentives that would encourage green builders to come to Shoreline. This resulted in the expansion of the proposed program to be called the "Deep Green Incentive Program." The proposed program includes the most stringent certification programs available from the ILFI, United States Green Building Council (USGBC), and Built Green (an arm of the Master Builders Association).

Ms. Redinger reviewed that Draft Ordinance 760 and its accompanying implementing regulations were presented to the Commission for a public hearing on December 1st. At that time, the Commission had a discussion, raised questions, requested additional information, and continued the public hearing to January 5th.

Ms. Redinger recapped that the incentive package has two primary categories: a fee waiver or reduction of various imposed fees and exemptions or departures from certain development standards. The packages have been broken into three tiers, the highest (Tier 1) being reserved solely for the Living Building Challenge (LBC). Tier 2 is the Petal Recognition Program or Built Green Emerald Star Program, and Tier 3 is the Leadership in Energy and Environmental Design (LEED) Platinum or Net Zero Energy Building (NZEB) Certification. The 100%, 75% and 50% proposal provides an oversimplified representation of how the concept could be applied at each tier. It would basically be a stepdown system based on the stringency of the program.

Ms. Redinger reviewed that at the initial public hearing on December 1st, the Commission's main concern was the impact to neighborhood character if the Deep Green Incentive Program (DGIP) was successful in attracting developers who wished to take advantage of density and height bonuses in single-family neighborhoods. However, the Commission also recognized that offering a density bonus

was probably the most meaningful incentive with regard to encouraging single-family deep green products. They asked staff to analyze the following options:

- **Only allowing a height bonus in zones with a height limit of 45 feet or higher.** Ms. Redinger said staff supports this recommendation. However, it is important to point out that the limitation would not only apply to Residential (R-4), R-6, R-8 and Mixed Use Residential (MUR-35') zones, and the height limit in R-12, R-24, R-48 and Town Center (TC-4) is also 35 feet. DGIP projects would be excluded in all of the listed zones, but would be available in MUR-45', MUR-70', TC-1, TC-2, TC-3, Neighborhood Business (NB), Community Business (CB) and Mixed Business (MB). Also, at some point a LBC Project would not be able to produce enough power for the building to become certified so the height limit bonuses may not be necessary in zones that already have 65 and 70-foot height limits.

- **Only allowing LBC Projects (Tier 1) to utilize the DGIP in single-family zones.** Ms. Redinger said staff does not support this limitation. She referred to the case studies found on the ILFI website and noted that there are no single-family LBC projects. There are a number of single-family NZEB (Tier 3) and Petal Recognition (Tier 2) programs. However, it is very rare for a LBC project to take place in a single-family zone due to the cost of certification. Also, people who build single-family LBC projects do so based on their own ideal system. Most DGIP projects in single-family zones will be Tier 2 or Tier 3 projects.

- **Requiring a minimum lot size for projects in single-family zones to utilize DGIP.** Ms. Redinger said staff supports a minimum lot size of 10,000 square feet, which would limit the number of DGIP projects in single-family zones. The public has indicated concern about how the concept could proliferate in single-family neighborhoods. Townhomes in single-family zones are dealt with in a similar manner, as a minimum lot size of 10,890 is required in order to build a duplex in a single-family zone. A map was provided to identify where larger lots in single-family zones would be eligible for the DGIP based on a 10,000 square foot limitation.

  Commissioner Malek summarized that approximately 3,289 lots would be eligible for the program. However, there are additional limitations in some neighborhoods. For example, Innis Arden has its own covenants and restrictions. Commissioner Chang noted that smaller lots could also be combined to obtain a larger lot to meet the minimum requirement.

  Ms. Redinger summarized that, according to the current draft, utilizing the density bonus in a single-family residential zone would require a minimum lot size of 10,000 square feet. In addition, only LBC projects would be eligible based on the exceptions in Table 20.50.020(1) and Table 20.50.020(2), which state, *"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."* She recalled that the over-simplified version says that Tier 2 would allow a 75% density bonus or 1.75 dwelling units on the lot. Unless a developer is allowed to round up, two units would not be allowed. That means that NZEB, LEED Platinum, Emerald Star, Built Green, and Petal Recognition Programs, which are the types of development that typically gets built in single-family zones, would be excluded. While there is fear that the proposed program is a way to expand density bonuses and

remove protections in single-family zones with regard to density, that is not a likely scenario as currently written.

- **Requiring the developer to put up a performance bond for a maximum two-year period until the homeowner achieves project certification.** Ms. Redinger reviewed that because several of the programs require a performance monitoring program before a building can be certified, concern was expressed that a developer could design, build and sell a building and the new owner would be responsible to pay the fines if the building couldn't meet the certification requirements. She explained that the City has a process in place should the Commission recommend and Council adopt the requirement for a developer to put up a bond to ensure the building eventually achieves the desired certification. However, in talking with developers, this requirement could be a deal breaker. For certification programs that require a performance period, it is incumbent on the occupants to utilize the conservation measures designed into the building. It was also noted that a homeowner actually makes a larger profit on the resale of a green building certified home than the builder does in the initial sale. Staff believes this should be sufficient incentive for a homeowner to achieve the desired certification, in addition to the other benefit of living in a green building.

Ms. Redinger provided a table to illustrate that DGIP homes often perform better than required by the checklist modeling by quite a bit. There has not been a problem with buildings being under designed, and they often perform much better. She also provided graphs to illustrate Seattle's experience with its Priority Green Incentive Program. Roughly 25% of the applications coming into Seattle at this point are for Priority Green Incentive Program projects, and Built Green 4-star has become its most popular program. The graphs make it clear the incentive programs do encourage builders to build greener, and builders are attracted to certain areas if incentive packages are correct.

Ms. Redinger concluded her presentation by stating that following the Commission's recommendation, the City Council is scheduled to conduct a study session on the proposed program on February 6th. A public hearing, followed by final adoption of Ordinance 760 and implementing regulations is scheduled for March 6th.

Commission Questions for Clarification

Commissioner Chang asked how the density bonus concept would be applied in the MUR zones, where there is no density limit. Ms. Redinger explained that density limits do not apply in the MUR zones in the station areas or in the commercial zones. Therefore, density bonuses would only be applicable in the zones that are still defined by a residential density maximum (R-4, R-6, R-8, R-12, R-24 and R-48).

Commissioner Mork asked staff how many Emerald Star Projects have been done in Seattle. Ms. Redinger explained that Emerald Star (Tier 2) is a high-level certification, and there were very few projects that met these requirements.

Commissioner Chang pointed out that the incentive in Seattle is expedited review rather than density bonuses. Ms. Redinger clarified that the incentives include floor area ratio (FAR) bonuses, and expedited review. The density bonus applies to multi-family residential zones, but not single-family residential zones.

Commissioner Malek asked staff to explain the process for green building proposals. Ms. Redinger explained that the City is not interested in being in the green building certification business. The current proposal outlines a four-step process by which the project proponent would need to show evidence he/she is on track for the certification system they are going for. This would begin with a mandatory pre-application meeting for which the fee would be waived. A representative of the certifying organization would be invited to the pre-application meeting. Commissioner Malek emphasized that the pre-application meeting takes place before a builder submits a building permit application. From that point, they move through the actual building phase. A certificate of occupancy will be required in order for the developer to list and sell the property, and that is where the City manages the building end of the process. If a project does not meet the requirements, the best a developer could do is sell the building as a wholesale product to an all-cash buyer, who hopefully could conclude the process.

Ms. Redinger noted there are some additional requirements associated with the proposed process. At the pre-application meeting, the developer indicates the level of green building program he/she is seeking to achieve, reviews the certification requirements and identifies potential barriers in the City's codes that may require exemptions. A discussion will follow relative to the exemptions the City will allow to accommodate the project as well an indication of whether or not the permit fees would be reduced or waived. This all occurs prior to submittal of a building permit application. After the project is completed and the City has issued a Certificate of Occupancy, a report from the certifying organization will be required within six months to indicate whether or not the project has met certain requirements. A final report will be required within two-years to certify that the performance standards have all been met.

Commissioner Malek clarified that, as proposed, the builder has an obligation to meet the requirements in order to obtain a Certificate of Occupancy. The two-year process following the Certificate of Occupancy would place an obligation on the person who purchases the product to comply with the requirements and meet the performance standards. This will require education and behavioral adjustments on the part of the buyer. However, there is consumer protection for the purchaser because the developer cannot obtain a Certificate of Occupancy without complying with the application requirements. Now that he fully understands the proposal, he believes that it would be managed very well. The real value of green building comes in after the two-year period when certification has been achieved. Certification adds value to the property and subsequent sales will be enhanced.

Chair Craft summarized that the recommendation for a performance bond came into play because of the density bonus component, which would be available on a number of different levels. The idea of requiring a performance bond was intended to address the concern that a builder could obtain a density bonus of 100% or some other exemption from the code requirements, but then fail to follow through with all of the requirements of certification. Ms. Redinger clarified that there would be a number of significant penalties associated with failure to comply.

Commissioner Chang said she understands what builders and subsequent homeowners would be responsible for as far as performance standards. However, she asked if all tiers would require modeling. Ms. Redinger answered that all would require modeling, but not all would require the modeling to be born out through a year of performance. Built Green has graciously agreed to take on an extra step that

is not part of their normal process, so there will be both modeling and performance in almost every certification program. Commissioner Chang asked for clarification on the concept of proof testing at the end to look at energy performance. Ms. Redinger said proof testing is not currently included in the proposed ordinance, but it could be added as a requirement prior to issuance of a Certificate of Occupancy.

Commissioner Maul noted that the R-4 and R-6 zones have a maximum lot coverage limitation of 35%, which does not allow for a huge home, let alone two homes. He suggested they consider some opportunity for departure from this limitation. Commissioner Chang pointed out that the proposed ordinance does allow for deviation in lot coverage, and that is part of her concern. Ms. Redinger acknowledged that there is a level of unpredictability in the program because it swings towards allowing more flexibility. The program would allow developers to identify the code barriers that would prevent him/her from meeting the certification requirements, and staff would have the ability to waive the requirements. It is important to remember that the intent of the code is not to maximize lot coverage or development potential for the benefit of developers. The intent is to remove barriers that would preclude certification. She recalled that Commissioner Chang voiced concern that, as written, there would be no limit on the Director's ability to waive the lot coverage requirement for a developer of an LBC project on a single-family residential lot. She commented that there are ways to clarify that the Director's discretion would be for the minimum departure necessary to achieve the certification.

Public Testimony

Tom Poitras, Shoreline, said he is against reductions to the minimum parking requirements for building green. He said he does not see a correlation between the greenness of a building and its parking needs. Anecdotal observations about green people's habits and lifestyles are unscientific, meaningless and unverifiable. In addition, people who have no interest in saving the planet through green architecture may choose to live there for other reasons. He voiced concern that the proposal transfers the onus of dealing with the parking needs of a building from the developer to the nearby neighbors. Even with RPZ's and a parking Management Plan, the quality of life in the neighborhood will be diminished to support reduced costs and higher profits for the developer. The neighbors will be subsidizing the developer, even though they are paying taxes, and in many cases developers are not. He pointed out that green electric cars have to be parked somewhere.

Pam Cross, Shoreline, said that while the DGIP (Ordinance 760), as revised for the meeting, could be a good approach for commercial buildings, she is concerned that it is being forced into the residential areas. She recalled that when deep green building was discussed in February of 2015, there were several issues raised by City Council Members. Most of them have been favorably addressed. For example, the height bonus is limited and would not apply to R-4 or R-6 zoning, and the problematic performance bond has been eliminated. In addition, the tiered system for eligibility has been broadened to include certification from the other two organizations. She pointed out that certification would provide developers the key incentive for deep green, which is the ability to put two houses on what is now one lot. For this, the minimum lot size was increased to 10,000 square feet. However, this is still smaller than the requirement for a duplex. A lot for two separate houses should be larger, not smaller, than a lot for a single-building duplex.

Ms. Cross continued that due to the available incentives, it is believed that the DGIP will likely be greater utilized in a short amount of time by single-family home dwellers. That is because the incentive of two houses on the lot is aimed directly at single-family home developers. It has been suggested that this threshold was holding everything back before the City could get moving towards green development, but there is no similar incentive for commercial builders. The majority of new construction in Shoreline will be multi-family housing. Therefore, the City should ensure that multi-family projects are provided adequate incentives, yet there are no build green incentives comparable to the division of residential lots. Whether intended or not, the onus for reducing Shoreline's carbon footprint is being put on the backs of the homeowners and commercial projects are not being enticed to do their fair share. She concluded that Shoreline's carbon emissions from construction are almost equally divided between residential and commercial, and the City needs to stay focused on all construction, residential and commercial. She suggested that ignoring commercial development is not an acceptable option. Once Ordinance 760 is approved by the City Council, the public will be powerless to control the density and how a project will affect their neighborhoods. The required neighborhood meeting is only a notification process, and none of the concerns raised by the neighbors would have any impact on the project. The decisions will have already been made.

Margaret Willson, Shoreline, said she is concerned that the City is considering the option of incentivizing green building by allowing double density. She voiced the following concerns:

1. The emissions numbers and percentages seem to be different in each report she has looked at. She questioned how scientific the formulas are for figuring out the metric tons of CO2 equivalent. For example, in one Seattle report it was either 5 or 25 per capita, which seems like a large discrepancy.
2. Population growth is a very big elephant in the room. They can tinker around the edges all they want; but as long as they continue with increased population growth, they will never really be able to reduce emissions to the extent needed to combat climate change.
3. Doubling density is a direct threat to habitat, which is one of the goals of the Forever Green Project in Shoreline. Just last week, there was an article in *THE SEATTLE TIMES* about how damaging development is to native species of birds who have the most beautiful songs. While one green house is better than one non-green house, one house of any type is better than two houses of any type as far as habitat goes.
4. Although concerns about the potential giveaway to developers in the R-4 and R-6 zones compared to what would be allowed in the MUR zones as a result of the density bonus have been addressed, the damage associated with double density would be irreversible. She would like to see how the green building program works in the MUR zones before deciding whether to allow it in the R-4 and R-6 zones.
5. The neighborhood meeting would have little impact on addressing neighborhood concerns. As with backyard tent cities, she would like the adjacent neighbors to have absolute veto power. If a builder is allowed to build double density on the lot next door, the builder and the new homeowner are internalizing the profits and externalizing the costs to the next-door neighbor, whose home is now worth less.
6. Her concern that the penalties seem minor compared to the potential gain have been addressed.
7. The authors of the Deep Carbon Reduction in Shoreline Report did not support Initiative 732, which was the carbon tax on the ballot in November even though the report talks about how important carbon pricing is to actually be able to achieve emissions reduction. While the authors felt that

Initiative 732 would be revenue neutral or revenue negative, it is important to recognize that the goal was to tax carbon and reduce carbon emissions and not increase revenue. Their decision makes her question their sincerity and seriousness about combatting climate change.

8. She has seen some articles on the internet that indicate that green buildings may not be all that green. For example, the bigger windows cause you to have to use more air conditioning. She is just starting to investigate this question.

Ms. Willson summarized her comments by urging the Commission to not recommend allowing double density in single-family zones until they are sure there will be some real benefits.

Barbara Twaddell, Shoreline, commented that the people of Shoreline do not want increased density in their neighborhoods. When she first heard about the DGIP, it seemed like a good idea until she heard about the part where a 10,000-square-foot lot could be subdivided as long as the new houses were green enough. She said she and her neighbors were told that the subarea rezones would preserve the single-family residential neighborhoods outside of the rezones, but this is clearly one more step to increase density in all Shoreline neighborhoods. She suggested it is as if the Planning Commission is declaring war on single-family residents by pushing accessory dwelling units, backyard encampments and now two houses on many single-family lots. She commented that the DGIP appears to her to be just another way to let developers build more homes in residential areas while claiming to be environmentally friendly. She suggested it should be called "Deep Greed." Through a Zillow search, she found that at least 598 properties in Shoreline could be subdivided this way, and the potential increase in density in far-flung neighborhoods is about as far from green as can be.

Ms. Twaddell said the proposal does not do enough to mitigate increased lot coverage and associated runoff. Some parts of the proposal try, but the displacement of mature trees and vegetation by the footprint of a new home cannot be mitigated. In her neighborhood, developers have no choice but to remove all of the trees on an existing lot to accommodate another home. The lack of trees and increased runoff will have a detrimental effect on salmon runs and bird habitat. She explained that trees help decrease carbon dioxide and increase oxygen. She asked if the clear cutting of mature trees has been taken into account in the equation of greenness.

Ms. Twaddell commented that the proposal would bring increased density in neighborhoods that are far from transportation hubs. There will be increased traffic, increased carbon monoxide and carbon dioxide pollution, and increased congestion. She questioned how this could be considered green. This is just one example of politicians and policy makers promoting eco fads. No Shoreline resident is clamoring to the City and asking for increased density. Certainly, the City can try out its deep green policies in established, high-density zoned areas and not in single-family neighborhoods. The degradation of neighborhoods by this questionable, unproven method, is just the opposite of green. It will likely cause a net increase in all the things that contribute to global warming. She asked that the Commission keep the "green incentive" out of single-family neighborhoods.

Ms. Twaddell said she went for a walk and visited the "half lot homes," which look horrible. They are a mishmash of huge, towering, sun blocking, treeless homes jammed together on tiny lots. If these are good examples of what the neighborhood might expect if deep green is instituted in residential areas, she

is opposed. If the City wants to encourage green construction in the neighborhoods, they should use tax credits or another type of incentive other than density.

Leah Missik, Seattle, Manager, Built Green Program, reiterated that the Built Green Program is designed to achieve progress and sustainability. Questions were raised about the process and rigor of the Built Green Program, and she explained that when a project gets Built Green Certification, not only would Shoreline monitor the project, it would also be monitored by Built Green and a third-party verifier. In order to be certified Built Green at any level, a builder must enroll a project with Built Green and work with a third-party verifier throughout the entire building process. The process requires multiple site inspections and reports that provide proof of what the builder is doing in the home. Energy models are done ahead of time to make sure the home, as designed, would achieve a certain level above code. After all of this has been done, including a blower-door test, the project would be submitted to Built Green for certification and another extensive review would be done. Everything the builder claims to have done needs to be proven via photographs, receipts, energy models, etc.

Ms. Missik explained that Built Green often works with speculative builders, who want to have the certificate in hand for the building sale. In these situations, an energy model is prepared to estimate how much energy the building will use and improvement over code. She referred to a groundbreaking study that was recently done by Built Green, looking at utility data for every single-family home built in Seattle in 2014. The study compares Built Green homes to non-certified homes, and the actual energy savings of the Built Green homes were about double what was expected per the energy models. The homes are generating tremendous energy savings, and thereby, carbon reductions, depending on the type of energy used in the homes. She summarized that the program is rigorous and there is a requirement for post-occupancy proof.

Ms. Missik said she works with developers on a daily basis, and Built Green has not certified very many Emerald Star projects because the requirements are difficult to meet. She referred to two Emerald Star homes in Seattle and Kirkland, as well as a townhome complex in Issaquah Highlands. She said they are starting to get more developer interest, and having the incentives in place in Seattle made 4 Star the most popular program. With a little nudge, many of these developers may choose to go for 5 Star. She suggested that they add Built Green 5 Star to Tier 3 because it is equivalent with LEED Platinum.

Ms. Missik summarized that Built Green is a local program. All developments in the program go through a local association, and the verifiers who check the projects are local businesses. Most of the builders are local builders, as well. With regard to density, she reiterated the incredible rarity of Tier 1, which is full LBC, for single-family residential homes. There are no examples of this occurring in the world. The chance of these types of projects proliferating into single-family neighborhoods is very, very low. The type of building that occurs in residential areas is typically Built Green Emerald Star, which are not included in the density bonus.

Patty Southard, Seattle, said she leads the King County Green Tools Program. She works very closely with the cities in King County that are members of the K4C and the Countywide Green Building Task Force. She explained that, amongst the cities participating in the development of ordinances is unincorporated King County, Bellevue, Issaquah, Kirkland, Redmond, Renton and Snoqualmie. Although Seattle has passed its LBC ordinance, it participates with the collaboration relative to

incentives. She clarified that because of the Housing Affordability and Livability Act (HALA), Seattle is not yet ready to address green building and density. A program for density bonuses in single-family residential zones will require a much more intensive program. While Seattle is not addressing density in single-family zones right now, it is not to say that they won't in the future.

Ms. Southard explained that Built Green, LEED and the LBC do a lot in their site requirements to address habitat. In fact, if done right, habitat could actually be increased. Other rating systems could also be combined with those proposed in the ordinance. For example, she recommended the Commission consider adding the Salmon Safe Certification (SSC) Program to the tiers.

Ms. Southard said all of the rating systems, including LEED, encourage purchasing local materials and helping to improve the local living economy. In addition to what gets done with the buildings, there are bonuses to the region in terms of economic development. The Task Force found that the Built Green and LEED Projects were selling six times faster during the recession and at a 14% premium over non-certified projects. This is a great opportunity for the City of Shoreline, regardless of what happens with the building boom, to help future-proof the value of homes in the City.

Ms. Southard said she was the County's project manager for the Z-Home Project, which is a Built Green Emerald Star Project and an LBC Petal Recognized Project. She understands how challenging these projects are, and the likelihood of double density in single-family zones will be rare at this time. Incentivizing single-family projects using the LBC top tier will result in well-built, completely carbon neutral, single-family homes. This is currently a national trend, and the builders who choose to use this incentive will be those who build semi-custom homes. She does not think that speculative markets will utilize the concept.

Ms. Southard advised that King County is not only committed to sharing the same climate goals as Shoreline through the Climate K4C; they have also committed to building 10 LBC projects. The goal is to register all 10 by 2020. One of these projects could potentially be built in Shoreline. She concluded that she applauds Shoreline's efforts and is happy to answer Commission questions. The way the program is organized is a great fit for the other participating jurisdictions because it does such a good job of addressing capacity issues within the City. It also takes staff out of the business of providing third-party certification. Staff can do its job with the guarantee that the third-party certifiers are doing theirs, as well.

Tom McCormick, Shoreline, said he supports the concept of building green. He has solar panels on his roof, solar tubes that provide hot water, super energy-efficient windows, extra insulation, etc. However, he voiced concern about the impact the proposed ordinance could have on single-family neighborhoods. In particular, he objected to the building height bonus, which is no longer part of the proposal. He is still concerned about the density bonus. As he did the math, a 10,000-square-foot lot would allow two homes if developed consistent with Tier 1. Tier 2 development would require an 11,429-square-foot lot because rounding up would not be allowed. A 13,334-square-foot lot would be required for two homes under Tier 3. He expressed his belief that, if the ordinance is passed, it will be common practice for developers to build two residences on lots of these sizes. He is okay with this level of density, but they must recognize there is a price to be paid for it. Although the current height limit is 35 feet, most homes in the R-4 and R-6 zones are at a height of 25 feet. If they want to allow a density

bonus in single-family zones, he recommended that the height limit should be set at 25 feet when there are two residences on a single lot.

Mr. McCormick observed that they have heard a lot about the City of Seattle's program, which certifies in advance that everything is right. The City of Shoreline currently has a program that requires a certified arborist report in order to cut hazardous trees. He voiced concern that there is nothing in the proposed ordinance that specifically requires a developer to hire a certified green engineer to provide a full report and modeling to certify that all of the standards will be met. He cautioned against moving the ordinance forward until this additional detail is added. Again, he said he supports green building, but feels that a 25-foot height limit would be a good tradeoff for additional density. In addition, they must ensure that the pre-application meeting has some substance to it. He wants to know exactly what is required in advance, but it is not addressed in the proposed ordinance right now.

Dave Lange, Shoreline, said he would like to see the transit impact fee stay with the additional units that are added. He would also like to see any of the fees being given away to be tracked and actually accumulated for the next year's regular permits and paid off as a division of what those people are paying. That way, the City won't lose money.

Janelle Kemmerlin, Shoreline, agreed with Mr. McCormick's recommendation related to a 25-foot height limit if two homes are built on a single-family lot. Due to lack of City staff, she voiced concern that there is no real ability to supervise and inspect development on an ongoing basis. She noted that developers have removed trees from lots in spite of being specifically told to leave certain trees and habitat. Developers typically appeal when a fine is imposed. She questioned what will happen when a developer applies for a green building permit but later finds that he/she cannot meet all of the certification requirements. Based on past experience, she questioned if the proposed program is set up to achieve the desired goals. The quality of life of those living in the neighborhoods will be sacrificed to accommodate the new development. There is currently not enough parking. She has lived in her home for 55 years. Although there has always been the same number of houses, the number of vehicles parking on the street in her cul-de-sac have more than doubled. Families have multiple cars, and this should be seriously considered if the City decides to allow a density bonus.

Commission Deliberation and Action

VICE CHAIR MONTERO MOVED TO RECOMMEND TO COUNCIL THE DRAFT ORDINANCE 760 AS AMENDED BY STAFF. MOTION WAS SECONDED BY COMMISSIONER MAUL.

Commissioner Malek recommended that the definition for "Deep Green" in Shoreline Municipal Code (SMC) 20.20.016(D) be amended to add "or Built Green 5-Star. He also recommended that language be added to create a Tier 4. This language could refer specifically to the standards of the Built Green 4-Star or LEED Gold, and mandating a Salmon Safe Certification (SSC) could be an additional requirement for this tier. Ms. Redinger commented that the proposed change represents a global change that would reverberate throughout the entire ordinance. While the Commission could flag issues as they review the ordinance page-by-page, it may be more productive to address the broader issues first, and then amend the ordinance and regulations accordingly.

Questions were raised about whether it is within the Commission's purview to add another tier without continuing the public hearing. Assistant City Attorney Ainsworth-Taylor explained that this type of change would be within the Commission's purview. While the Commission has the discretion to continue the public hearing and allow for more public comment, it is not necessary. Additional public comment will be solicited at the public hearing before the City Council.

Ms. Redinger advised that Commissioner Mork requested that the Living Community Challenge (LCC) be used as an equivalent to the Living Building Challenge (LBC). She referred to a letter the City received from David Burdick from Earth Harmony Habitats requesting that the ordinance be expanded to include Living Community Challenge. She explained that the LCC is similar to the LBC, but it is applied more globally rather than to a single building.

Ms. Southard explained that there is no specified scale for the LCC. It was developed to address issues from a district perspective. The concept is interesting in relationship to some of the public comments because one way to address energy efficiency and net zero buildings or the lack thereof is by taking an approach to reduce greenhouse gases on a district scale. This approach opens opportunities for preserving historic buildings, because new construction would compensate for preservation. The LCC could also help address some of the height and density concerns that have been raised. If the City establishes a density bonus for single-family, but limits height to 25 feet, the same environmental benefits could be obtained by approaching development from a site perspective. For example, if a proposed home will not be in a good site for solar because of heritage trees, another project on that same lot could compensate for what one of the houses cannot do. This approach would require flexibility on the part of the community, but it could be a good compromise to the height issues that have been raised. However, she emphasized that the LCC Program is designed for application in zones and is not meant to apply to a single-building project.

Chair Craft asked if implementing an LCC Program would mean that incentives would be offered to multiple homeowners who team up or limited to a single developer of multiple buildings. Ms. Southard said the LCC Program is a better product for commercial and multi-family zones. Commissioner Mork said she did not intend for the LCC Program to apply to single-family zones. Ms. Southard agreed that the LCC Program would add more value in the other zones. Ms. Redinger summarized that the LCC Program allows the flexibility to be spread over multiple sites without necessarily having to aggregate them into one single parcel. Ms. Southard said that, because of the way it is organized, the LCC does a lot more to address site, habitat and biodiversity issues than anything the 2030 District Challenge has put together.

COMMISSIONER MORK MOVED THAT THE DEFINITION FOR "DEEP GREEN" IN SHORELINE MUNICIPAL CODE (SMC) 20.20.016(D) BE CHANGED BY ADDING THE "LIVING COMMUNITY CHALLENGE (LCC)" AS ONE OF THE OPTIONS FOR TIER 1. VICE CHAIR MONTERO SECONDED THE MOTION.

Commissioner Mork expressed her belief that flexibility is very important and will be meaningful in the other districts that are not residential. It may have applicability for residential districts, as well. She believes that more options are better.

Commissioner Chang asked how the motion, as currently stated, would apply to commercial and multi-family zones but not the single-family zones. Commissioner Mork answered that her intent is that the motion would apply to all zones. Assistant City Attorney Ainsworth-Taylor clarified that, as currently proposed, the motion would simply amend the definition for "deep green." Addressing how the definition is applied in various zones should be addressed in the development regulations.

The Commission discussed whether or not the LCC should be available to developers within the single-family residential zones, as well as the commercial and multi-family residential zones. Ms. Southard suggested that an LCC would be appropriate for any development of ten units or more, regardless of whether it is single-family or multi-family residential.

THE MOTION CARRIED 5-2, WITH CHAIR CRAFT AND COMMISSIONER CHANG VOTING IN OPPOSITION.

The Commission discussed a proposal to add "Built Green 5-Star as an option under Tier 3. Ms. Redinger explained that Net Zero Energy Building (NZEB) is very good about energy use, but it is not as comprehensive as LEED Platinum and Built Green 5-Star. However, the intent is to incentivize things that will reduce greenhouse gas emissions. Chair Craft asked if there is a generic term that can be used to identify the highest level of standard. While he would support adding Built Green 5-Star as an equivalent to LEED Platinum, he voiced concern that the document will end up with a mishmash of terms scattered throughout. The reality is, they are talking about a top tier green building process. Ms. Redinger answered that she does not know of a better term than identifying the three tiers as "Deep Green." Ms. Southard said the various program names represent important brand promises. Having written three green ordinances for King County, they finally settled on an ordinance that is similar to what is being proposed for Shoreline. The intent was to provide flexibility to projects the County permits and flexibility to the development community. They also wanted to provide products that address infrastructure, which Shoreline residents have indicated as a critical issue.

Ms. Southard recommended that, if the City wants to add a habitat piece for projects that are not Built Green or LEED Eligible, they should add the SSC Program as a Tier 4. As an example of where the County could have done a better job, she referred to the Houghton Transit-Oriented Development Complex Project, which was permitted in Bellevue and Kirkland. The County should have utilized the SSC Program on the parking garage that was constructed in Bellevue. The affordable-housing and market-rate developers did a much better job using Built Green and SSC on the residential side that was developed in Kirkland. She noted that the City has received a number of applications in recent months for storage facilities, which are not really LEED eligible. There is nothing driving the market to do a better job with their construction. If SSC were an option, projects that are not LEED or Built Green eligible would still have to do something to improve on-site stormwater runoff and habitat.

Commissioner Thomas asked if Tiers 1, 2 and 3 already have enough protection that SSC is not really necessary or if SSC should be added to all tiers as additional (not substitute) criteria. Ms. Southard answered that applying SSC to Tiers 1, 2 and 3 would be redundant because the higher incentives would be for LEED or LBC-eligible projects. However, if the Commission believes that commercial developers might take advantage of Tier 3 but are not LEED Eligible, she would applaud having SSC as

a requirement in the mandatory level. The City could add some flexibility and get better habitat protection adding it to zones where you would have that type of development. For example, LEED isn't a great product for strip mall type development. While that is not what the City is encouraging, the code could combine LEED to the core and shell with SSC for commercial projects and really increase the impact on the site. She referred to the PCC Project in Edmonds, which was the first SSC commercial development.

Chair Craft suggested they could require SSC throughout the entire incentive program. Ms. Southard agreed this would be appropriate for Tiers 3 and 4 if the City anticipates that other building types will take advantage of the incentive program. SSC could be a stand-alone program for projects that are not LEED or NZEB eligible.

COMMISSIONER MORK MOVED THAT THE DEFINITION OF "DEEP GREEN" IN SMC 20.20.016(D) BE AMENDED TO ADD THE "SALMON SAFE CERTIFICATION PROGRAM" AS AN ADDITIONAL OPTION IN TIER 3. VICE CHAIR MONTERO SECONDED THE MOTION.

Commissioner Chang voiced concern that the proposed motion would allow a developer to do just SSC. The intent is to encourage developers to do LEED Platinum or NZEB certification if eligible. The SSC option should only apply to projects that are not eligible for the other programs. Ms. Southard suggested that the SSC Program could be specified for non-LEED eligible projects only or it could be required in addition to the other programs. However, the City could combine the NZEB Program with the SSC Program so that both energy and water are addressed. Ms. Southard explained that SSC is a site certification program that was founded by the Pacific Rivers Council. It is being used throughout the State of Washington, British Columbia, Oregon and now California. The urban standard was specifically developed to address salmon habitat improvements and stormwater runoff. SSC also has a rural program that focuses on restoration of farms and riverbeds.

Chair Craft suggested that application of the SSC Program should be in addition to the other programs. If a developer wants to take advantage of a Tier 3 Incentive, it should include the SSC Program. It should not be a stand-alone requirement, and the proposed motion should be changed to make that clear.

COMMISSIONER MORK WITHDREW HER MOTION.

Assistant City Attorney Ainsworth-Taylor summarized that, as discussed, the Commission would like Tier 3 to require LEED Platinum and SSC, NZEB and SSC, or Built Green 5-Star and SSC. Ms. Southard said she does not think it is necessary to add SSC to LEED Platinum, but it would be a great addition to the NZEB Program. She explained that the Built Green 5-Star Program already requires developers to do the SSC Program.

Ms. Redinger commented that the proposed changes will make the language more "wordy." Not only would it add new programs from existing agencies, but potentially add new agencies. Commissioner Malek voiced concern that they are overcomplicating the ordinance. His understanding is that the City is doing its best to create an incentive program to bring green builders and green building to the area because it is not currently happening. While he understands the desire to make the nirvana of everything

and achieve an aspiration above what is being done in other jurisdictions, he felt they should start smaller. Chair Craft pointed out that the proposed ordinance provides a decent compensation ratio for what developers will provide, and including the SSC with the NZEB Program would not be overly complicated. Commissioner Thomas said this would be particularly true since the NZEB does not address landscaping or the exterior of the building. Since the LEED Platinum and Built Green 5-Star Programs already incorporate standards similar to SSC, the motion on the floor would only apply to the NZEB Program. NZEB is all about the building and does not address surface water and habitat at all. She reminded the Commission that most residents of Shoreline feel strongly about the environment, and the proposed change would make NZEB more equivalent with the LEED and Built Green Programs.

COMMISSIONER MORK MOVED THAT THE DEFINITION OF "DEEP GREEN" IN SMC 20.20.016(D) BE AMENDED TO ADD THE SALMON SAFE CERTIFICATION PROGRAM AS AN ADDITIONAL REQUIREMENT OF THE NZEB PROGRAM, WHICH IS PART OF TIER 3. COMMISSIONER MALEK SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Commissioners asked Ms. Missik to explain the differences between the Built Green 4-Star and 5-Star Programs. Ms. Missik advised that Built Green 5-Star is a significant leap above 4-Star Built Green, and 5-Star and LEED Platinum are comparable from an environmental perspective. The advantage of Built Green is that it is a local program and more affordable for builders to participate. Built Green 5-Star requires an energy model that shows a 30% improvement over code, and 4-Star requires a 20% improvement. Built Green 5-Star has rigorous requirements, such as requiring that a home be pre-wired for solar. Built Green Certification provides a menu of options, and builders tally them up to get points in different sections. The point threshold for 4-Star is 400 and for 5-Star it is 600.

Commissioner Chang commented that because applicants would be allowed to choose from a menu of items, wouldn't the City want them to prioritize certain ones that support the City's greenhouse gas emissions and energy goals? Some of the menu items are fairly easy to achieve, and some of the more important ones are more difficult or costly. Ms. Missik explained that the checklist identifies base requirements for all categories, and beyond that builders are provided flexibility. Items are ranked by points according to their environmental impact. The end will be the same, but the method for getting there is flexible enough to allow for different building types and contexts.

Commissioner Maul said he has done Built Green projects and has used the checklist. It's an excellent program that is well set up. Chair Craft agreed and emphasized that, although there is flexibility for developers, there are also base-level requirements. The program does not allow developers to sign off on all of the easier items without having to do the more comprehensive components of the program.

COMMISSIONER MORK MOVED THAT THE DEFINITION OF "DEEP GREEN" IN SMC 20.20.016(D) BE AMENDED TO ADD "BUILT GREEN 5-STAR" AS AN OPTION IN TIER 3. COMMISSIONER THOMAS SECONDED THE MOTION.

Commissioner Maul asked if it would also be appropriate to require SSC in conjunction with Built Green 5-Star. Chair Craft referred to Ms. Southard's earlier comment that the elements contained in the SSC Program are already components of the Built Green 5-Star Program. Ms. Missik confirmed that

Built Green 5-Star has site and water considerations as part of the checklist. Ms. Southard added that SSC is working very closely with the Living Building Challenge, Built Green and the U.S. Green Building Council on LEED. Developers who add SSC to the existing programs will receive bonus points. Implying it is a requirement for NZEB is appropriate and less redundant.

Commissioner Chang asked if the site requirements in Built Green 5-Star are equivalent to the requirements of SSC. Ms. Missik said they are not exactly the same, but neither are LEED Platinum. LEED Platinum and Built Green 5-Star are holistic programs that are very good. NZEB focuses only on energy and SSC focuses only on habitat. Chair Craft suggested that SSC could be made a requirement of all of the programs. However, he commented that, compared to an average development, LEED Platinum and Built Green 5-Star would be far superior. He felt there would be value to requiring SSC in conjunction with NZEB, but the LEED Platinum and Built Green 5-Star Programs adequately address surface water control and habitat.

Commissioner Thomas asked what the downside would be of including the SSC Program in all Tier 3 programs. Ms. Missik said the downside is that developers would be required to go through more administrative hoops and work with multiple organizations. That means there would be more involvement fees and additional verification requirements. In addition, developers may not be as familiar with the program. On the other hand, the Built Green and Living Building Challenge organizations already work closely with the SSC organization.

THE MOTION CARRIED UNANIMOUSLY.

Chair Craft asked staff to provide feedback about the concept of adding a Tier 4 to the definition of "Deep Green." In particular, he requested information about the Built Green 4-Star and LEED Gold Programs and whether they would be appropriate for the types of incentives outlined in the ordinance. Ms. Redinger said the question is whether or not the Commission wants the ordinance to be a more comprehensive program or focus only on the highest level of deep green. She reviewed that the idea for expanding the program further came from a group of developers. Many voiced support for the proposed ordinance that focuses on the top tiers of green development. However, realistically, what people are building is more in line with Built Green 4-Star and LEED Gold. The City could continue to focus on just the high standard and not offer incentives at the lower level. This approach would likely result in more top-scale green buildings. However, they would get cumulative more green development if they allow some level of incentives for the lower programs that are easier to achieve. She commented that the City could adopt a more broad-based approach for sustainable development at a later time, without making it part of the proposed ordinance.

Assistant City Attorney Ainsworth-Taylor explained that adding a Tier 4 would move beyond the Deep Green Initiative, which was the scope of the amendments before the Commission, into a broader sustainability program. Adding a Tier 4 would require the Commission to reopen the public hearing and provide additional public notice. While the Commission could reopen the hearing and consider the addition of a Tier 4, Chair Craft reminded them that the intent of the hearing is to address the Deep Green Component. He suggested that they complete their work on the ordinance, and address the idea of creating a broader program at a later time.

Commissioner Chang said her understanding is that the Petal Recognition Program would require a developer to do three of the seven petals, and he/she would have to select one from either energy, water or materials. She asked if it would be possible for the City to require that the energy petal be selected, if possible. Ms. Redinger felt it would be fair to require that energy must be one of the petals. Ms. Southard explained that the Petal Recognition Program requires a developer to achieve three of the petals, and one of them has to be either net zero water, net zero energy, or materials. Once a developer has selected one of those petals, he/she can choose from the other seven to establish the three that will be used. Given that a developer would have to choose one of the three, Commissioner Thomas said she assumes that those three petals would be the most complicated and costly, and it is not likely that a developer would choose to do two of the three petals. Making energy a mandatory requirement means that a developer would not be required to address the water element at all. Ms. Missik said that based on the 300 projects that are registered today, 45 of which are in the State of Washington, energy is the top decision maker. She referred to a King County Parks Project and explained that because of the expense of water in one of the jurisdictions, the project is focused more on water than energy. The decisions will be made project-by-project. In the future, she anticipates that water will be the top petal that developers will choose to use for projects in Arizona, New Mexico, Nevada, and California.

Ms. Redinger clarified that if the City mandates that one of the petals be energy, applicants will be discouraged from choosing water as a priority. Even though energy is associated with the City's commitment to reduce greenhouse gas emissions, mandating that the focus be on energy could result in unintended consequences on some sites. Commissioner Chang said she is concerned that if we made one of the three items mandatory it would not be tied to the Petal Recognition Program.

Rather than having the Commission walk through the entire ordinance section by section, Ms. Redinger said staff can incorporate the needed changes related to the amendments to the definition of "Deep Green" before the ordinance is forwarded to the City Council. However, she invited the Commissioners to identify other changes to the ordinance that are not related to the changes previously discussed.

Chair Craft referred to the concern raised by Mr. McCormick and asked if the proposed ordinance is specific enough to make the reporting requirements for the various programs clear. Commissioner Malek noted that SMC 20.30.80 states that a representative from the perspective certifying agency will be invited to the meeting. Ms. Redinger answered that, although they are not spelled out in the City's regulations, the specific reporting requirements are carefully spelled out in the various programs.

Ms. Redinger referred to SMC 20.50.630(F), which outlines how the City would gain assurance from the certification agency that developers are meeting all of the rigorous standards. Chair Craft noted that these reports would come into play after a development has been completed. Commissioner Maul asked how the City would verify that an applicant is going through a certification process. Ms. Redinger emphasized that SMC 20.50.630(F)(1) requires that building permit applications for projects requesting departures, fee waivers, or other incentives under the DGIP must include a report from the design team demonstrating that the project is likely to achieve the elements of the program through which it intends to be certified. It was discussed that developers who register with LEED will receive a receipt that can be submitted to the City. When a developer registers with Built Green, a project identification number is assigned that can be furnished to the City as proof. Ms. Missik noted that this is a requirement in the City of Seattle before any incentives are approved.

Commissioner Thomas commented that although this proof would provide assurance that a developer has enrolled in the program, it does not provide assurance that the final product will meet all of the certification requirements. She particularly voiced concern about applying the ordinance to single-family residential development. While a well-meaning developer may try to meet all of the requirements, what happens if it the project fails to meet the requirements in the end? Ms. Missik reminded the Commissioners that a third-party verifier will be required do multiple site visits throughout the project, and energy models must be done at the design phase. Commissioner Maul summarized that all of the certification programs are rigorous and require multiple inspections throughout, and the City could require copies of the reports. The question is how much work load they want to place on City staff. Ms. Redinger said the City already has a rigorous review process in place for development, including single-family residential development. However, the certifying agencies have greater expertise to review projects that are seeking certification.

Chair Craft said he would feel more comfortable if the City were to require confirmation from the certifying agencies prior to a building permit being issued. Ms. Redinger suggested the language in the ordinance could be refined to provide more detail about what "report" means. The Commissioners agreed that would be appropriate.

Commissioner Maul referred to SMC 20.30.297, which would require an applicant to submit documents as proof of enrollment in a certification program. None of the Commissioners identified potential changes to this section.

Chair Craft invited staff to review the proposed amendments in SMC 20.30.770(D)(8). Ms. Redinger explained that Item A refers to the section in the code that outlines the civil penalties that would apply if reports are not submitted in a timely fashion. The penalty starts off at $500 and increases incrementally every two weeks. It can become quite a substantial fine in a short amount of time. Item B outlines what will happen if a project fails to obtain certification after it has been completed. In addition to a fee equal to 5% of the building valuation, all of the fees that were waived would have to be paid back.

Commissioner Thomas asked about the process for getting someone whose property cannot meet the certification requirements to pay the fines outlined in SMC 20.30.770(D)(8). For example, could the City place a lien on the property? Director Markle explained that the City would first issue a Notice and Order to Correct. If the project cannot certify, the City would record a Notice on Title that would run with the land. Assistant City Attorney Ainsworth-Taylor added that, attaching a lien on a property based on civil penalties would require the City to go to court and receive a judgement. Commissioner Thomas voiced concern about the costs the City might have to incur in order to collect the payments, and Assistant City Attorney Ainsworth-Taylor answered that attorney fees would be recouped as part of the case. Commissioner Thomas asked if the courts would typically side with the City based on the established code standards. Assistant City Attorney Ainsworth-Taylor answered that if the standards are clear that certification requirements must be met in two years, and a project fails to do so, the City would be awarded penalties.

Commissioner Chang asked if Item b.ii in SMC 20.30.770(D)(8) would create some confusion about whether the applicant or owner would be responsible to pay back any permit and other fees that were

waived by the City. She suggested it would be more clear to make the owner responsible. Until the property is sold, it would be owned by the developer. Chair Craft said he supports the broader language that includes both the applicant or owner. Assistant City Attorney Ainsworth-Taylor explained that the responsible party would be the person who was seeking certification, which will be the owner of the property. Using both "applicant" and "owner" covers all bases. The majority of the Commissioners concurred.

Commissioner Malek referred to SMC 20.30.297(2) and asked if it would be appropriate to add the SSC Program in combination with NZEB Programs to be consistent with the changes that were made earlier to the definition of "Deep Green." Ms. Redinger agreed to review the ordinance and update it as appropriate based on the Commission's direction to reorganize the tiers.

Chair Craft read the proposed amendment to SMC 20.50.400(B) and invited the Commissioners to share their thoughts. Commissioner Mork recalled that they received several public comments voicing concern about how the proposed parking reductions would impact single-family neighborhoods. She suggested that perhaps the parking requirements for single-family residential development should be separate and different from the requirements for commercial and multi-family. Commissioner Maul suggested that single-family residential development be excluded from the parking reductions outlined in the ordinance. Ms. Redinger recommended that the first sentence could be amended to make the reductions specific to commercial and multi-family development. Another option would be to add additional language at the end to make it clear that single-family residential development is not eligible for a parking reduction.

COMMISSIONER MAUL MOVED THAT THE LANGUAGE IN SMC 20.50.400(B) BE AMENDED TO READ, *"PARKING REDUCTIONS UNDER THE DEEP GREEN INCENTIVE PROGRAM MAY BE ELIGIBLE FOR COMMERCIAL AND MULTI-FAMILY PROJECTS BASED ON THE CERTIFICATION THEY INTEND TO ACHIEVE. NO REDUCTIONS WILL BE AVAILABLE FOR SINGLE-FAMILY PROJECTS. REDUCTIONS WILL BE BASED ON THE FOLLOWING TIERS:"* COMMISSIONER MORK SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

When it comes to having good public transportation options, Commissioner Thomas commented that the City is not there yet; and she does not anticipate it will happen for a number of years, particularly in some of the commercial neighborhoods. She voiced concern that the proposed parking reduction incentives are too high. A 75% reduction would be significant, particularly if a project is not located near transit. She questioned if the community has the ability to support these significant reductions at this time. Chair Craft suggested that a 50% reduction would be more appropriate for Tier 1. Commissioner Thomas agreed and suggested that the parking reduction for Tier 2 could be 35% and Tier 3 could be 20%.

Commissioner Chang asked how the proposed parking reductions compare with parking reductions identified in the Light Rail Station Subarea Plans. Ms. Redinger answered that the subarea plans allow a 25% parking reduction for projects within ¼ mile of the light rail station. Commissioner Thomas said the parking reductions would only apply after the light rail stations have been completed.

COMMISSIONER THOMAS MOVED THAT SMC 20.50.400(b) BE AMENDED TO CHANGE THE PARKING REDUCTIONS FOR TIER 1 TO 50%, TIER 2 TO 35% AND TIER 3 TO 20%. COMMISSIONER CHANG SECONDED THE MOTION.

Commissioner Thomas said she chose the numbers because they seem somewhat reasonable. However, she is open to further reductions if her fellow Commissioners feel they are still too generous. Commissioner Malek disagreed with the proposed reductions. He commented that if the City does not start somewhere, they will get nowhere. He understands that the City is still a motorist community, but if they don't include the more significant changes, they may never get there. He noted that the City only has a limited number of commercial acres, and what is hoped to be built in the light rail stations will represent a very small percentage of the deep green development. Commissioner Maul agreed that the proposed parking reductions are consistent with the concept of Deep Green Development. People who rent or buy units in Deep Green Developments are looking for that particular lifestyle and achievement. Chair Craft commented that a person could still park a car down the street in front of someone else's house. Commissioner Maul agreed that a cultural change is needed. However, if the parking requirement is too high, it will be more difficult for projects to obtain the certification requirements.

Vice Chair Montero said he sees the future of transportation changing with on-demand cars, autonomous vehicles, etc. People that move into "green" facilities are committed to reducing carbon emissions. Chair Craft agreed, but cautioned these other modes of transportation will not be available for several years into the future. Commissioner Thomas pointed out that the parking reductions could be revisited at a later date when there are more transportation resources, but they aren't there yet.

Chair Craft agreed that the parking reduction incentive is an important part of the Deep Green process, but at a certain point it comes up against the reality of where the City is and how people need to get around. He asked staff to share thoughts on how lower parking reductions would impact green projects. Ms. Redinger said staff would support a lower parking reduction of 50%, 35% and 20% as a place to start. Both the higher and lower parking reductions would provide meaningful incentive for green development. Once more resources are in place, the parking reductions could be increased.

THE MOTION CARRIED 4-3, WITH VICE CHAIR MONTERO AND COMMISSIONERS MALEK AND MAUL VOTING IN OPPOSITION.

Given the lateness of the hour, the Commission discussed the option of continuing the public hearing to their next meeting. Before continuing the hearing, Ms. Redinger asked them to provide specific direction on whether or not they want to expand the program to be more comprehensive or just focus on the Deep Green Program. She noted that expanding the program would require that the continued hearing be re-noticed. Chair Craft summarized that the Commission previously agreed to move forward with the Deep Green Program first, and then discuss options for expanding the program to include a Tier 4 at a later time.

Assistant City Attorney Ainsworth-Taylor emphasized that, when continuing the public hearing, it is important for the Commission to be clear about whether or not additional public testimony would be accepted or if the continued hearing would be for Commission deliberation and finalization of its recommendation. They agreed that allowing additional public testimony would be appropriate.

CHAIR CRAFT MOVED THAT THE HEARING ON THE DEEP GREEN INCENTIVE PROGRAM TO JANUARY 19, 2017 AT THE COMMISSION'S NEXT REGULAR MEETING AT 7:00 P.M. COMMISSIONER CHANG SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Director Markle referred the Commission to the Development Update, which was provided in written format prior to the meeting. She agreed to review the report at the next meeting.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Assistant City Attorney Ainsworth-Taylor announced that the City is trying to phase out the email address that people have been using to comment on Planning Commission items because they are getting a lot of spam. The IT Department has established a contact link on the Planning Commission's website, similar to what is done for the City Council. The Planning Commission Clerk will funnel the email cycles to the Commissioners. The current email will remain a valid address for comments, but the intent is to focus people to the new comment page, instead.

AGENDA FOR NEXT MEETING

No additional comments were made regarding the agenda for the January 19th meeting.

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

Easton Craft
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission