DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

October 5, 2017
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present
Vice Chair Montero
Commissioner Maul
Commissioner Mork
Commissioner Thomas

Staff Present
Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent
Chair Craft
Commissioner Chang
Commissioner Malek

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 Ms. Hoekzema the following Commissioners were present: Vice Chair Montero, and Commissioners Maul, Mork and Thomas. Chair Craft and Commissioners Chang and Malek were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 2017 DEVELOPMENT CODE AMENDMENTS -- CONTINUATION

Staff Presentation

Mr. Szafran recalled that, at their September 7th meeting, the Commission reviewed the Administrative and Clarifying Development Code Amendments and requested additional information regarding Amendments 4, 21, 26, and 30. He reported that:

- **Amendment 4 (SMC 20.20.024)** is related to the "hardscape" definition. Staff is still working to address the issues raised by the Commission and will bring the amendment back at the Commission's next meeting.

- **Amendment 21 (SMC 20.50.040)** would allow eaves to project into setbacks. The Commission commented that the amendment was unclear and hard to understand the way it was presented. Subsequently, staff amended the language and provided a diagram to make the provision easier to administer and understand. The proposed language makes it clear that eaves may not project into required setbacks unless there is a legal, nonconforming structure that is less than 5 feet from the property line. In those cases, the proposed exception will allow the eave to project into the required setback up to 20 percent.

  Mr. Cohen explained that a number of existing homes do not meet the side-yard setback requirement, which is 5 feet in most cases. While property owners do not mind maintaining the 5-foot building setback, they want the eaves to match those on the existing structure. The amendment provides some flexibility for only the eaves of a building addition to line up with the eaves of an existing structure. He used the illustration to clarify how the provision would be applied and noted that the same exception would apply to both the front and side setbacks.

  Commissioner Maul clarified that, currently, a wall of a new home could not be placed on the setback line unless there is no eave. Mr. Cohen agreed. The proposed amendment would apply to existing homes and allow the eaves on the addition to match up with the existing home.

  Commissioner Mork asked why the proposed amendment would allow flexibility on the front and side setbacks, but not the rear setback where people would likely be more flexible. Mr. Cohen said the original amendment addressed only the side-yard setback where most of the issues come up. However, to be consistent with the existing setback requirements in the front and rear yards, staff felt the same exception should apply. Eaves may not project more than 36 inches into the required front and rear-yard setbacks unless there is an adjoining legal, nonconforming structure that is not meeting setbacks. The proposed exception would allow a total of 20% projection into the required front and rear setback, which includes the allowed projection stated in SMC 20.50.040(I)(3)(b). This translates to a 4-foot eave projection (additional 1 foot) into the front yard setback and a 3-foot eave projection (no change) into the rear-yard setback in an R-6 zone.

  Commissioner Mork asked how often the issue comes up. Mr. Cohen answered that it comes up quite often, particularly as a lot of people are doing additions to existing homes to create accessory dwelling units, etc. that enable them to afford their homes.

- **Amendment 26 (SMC 20.50.410)** has to do with design standards for structured parking. The original amendment said that structural columns or permanent structures cannot be placed within a minimum parking stall dimension. The Commission discussed that if a column or structure is located within the parking stall and the vehicle door can be opened without impediment, the parking stall should be allowed to count towards the total number of required parking spaces. Based on these comments, the amendment was changed to read, *"Structural columns or permanent structures cannot impede the opening of vehicle doors or the ability of passengers to walk from the parking space."*

- **Amendment 30 (SMC 20.80.025(A) and (B)** is an administrative amendment related to the Critical Areas Ordinance. The intent is to clarify the steps it takes to identify the existence of a critical area on a specific property. The Commission asked who would make the site inspection when determining if a critical area is present. The last sentence in the proposed amendment was altered to read, *"A site inspection by staff or an application's Critical Area Worksheet may also indicate the presence of a critical area."*

Next, Mr. Szafran reviewed the Policy Amendments as follows:

- **Amendment 1 (SMC 20.20.012), Amendment 5 (SMC 20.20.034) and Amendment 11 (SMC 20.40.130)** have to do with brewpubs, microbreweries and microdistilleries. Amendment 1 adds a new definition for "Brewpub" and Amendment 5 adds new definitions for "Microbrewery" and Microdistillery." It also amends the definition for "Mitigation." Amendment 11 would add brewpubs, microbreweries and microdistilleries as approved uses. There has been an increased interest in these types of uses, but they are not specifically listed in the Development Code.

  Commissioner Maul asked if the code should define the term "micro" to clearly differentiate between micro and massive breweries. Mr. Szafran said the original draft included a limit based on the number of barrels produced, but it was taken out. Commissioner Maul asked if this would leave the City open to an argument. Mr. Szafran questioned if there would even be a parcel in Shoreline that could accommodate a massive brewery. Mr. Cohen said a massive brewery could fall under the definition of "light manufacturing." While the City allows some manufacturing uses, they are usually small, light and clean. He concluded that microbreweries involve a limited production of alcohol, and perhaps alcohol sales. Commissioner Mork voiced concern about not specifically making the distinction in the code language. Commissioner Maul agreed. Mr. Szafran suggested they could limit the use to a specific number of barrels each year, and Mr. Cohen explained that the City uses the Land Use Planning Dictionary when further clarification is needed. Staff agreed to clarify the definitions to address the Commission's concerns.

- **Amendment 6 (SMC 20.30.045 and 20.30.050)** has to do with neighborhood meetings for certain Type B Permits. The proposed amendment would strike the requirement of a neighborhood meeting for developments of more than one single-family detached dwelling unit on a single parcel, binding site plans, and preliminary short subdivisions. In place of the neighborhood meeting, staff is proposing to send a Notice of Development to adjacent property owners within a 100-foot radius of the proposed development. The Notice of Development would be a new type

of notice for the City and is intended to alert the adjacent homeowners when a specific development proposal has been approved. The City will continue to send a Notice of Application to residents within 500 feet of the project. The Notice of Development will include more specific development information and will alert neighbors that a development project has been approved by the City.

Mr. Szafran explained that there are three main reasons for the proposal. First, neighborhood meetings give neighbors and the community a false expectation that comments gathered at the neighborhood meetings can change the outcome of a development proposal. This is especially true for subdivisions. If an applicant meets all of the requirements of the Development Code, Engineering Design Manual and the State requirements for a subdivision and the City finds that the proposed subdivision has made the appropriate provisions for public health, safety and welfare and that the public use and interest will be served, the subdivision will be approved. The neighbors can comment and give suggestions to a potential developer, but the developer does not have a duty to change the plan based on community input.

Vice Chair Montero asked if this is a common practice in other cities, and Mr. Szafran said it varies. The proposed language was modeled after the City of Mukilteo's code. Vice Chair Montero asked if it costs more to have a neighborhood meeting or send out notice. Mr. Szafran said the City would send out the Notice of Development, and the developer is required to send out notice of a neighborhood meeting. Commissioner Maul noted that sending notice to property owners within 100 feet of a proposal would likely equate to four or five property owners. Commissioner Thomas noted that property owners within 500 feet of a proposed development would receive a Notice of Application, which allows them to submit comments early in the process. The community meeting does not really add anything other than a false expectation that public comments will alter the final decision. Commissioner Maul emphasized that the City cannot deny a project that meets all of the code requirements. Mr. Szafran explained that the Notice of Development would inform those most impacted by a project and provide contact information for the developer.

- **Amendment 13 (SMC 20.40.210)** includes two privately-initiated amendments that would eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit (ADU) (Item C). It would also eliminate the required parking space for the ADU (Item E). Staff is concerned that the amendment would change the character of single-family neighborhoods throughout the City by allowing them to transition to multifamily. Requiring that the owner must live in one of the units ensures that the property is maintained, and requiring a parking space ensures that the neighborhood streets are not burdened by additional cars. However, he reminded the Commission that they are scheduled to talk about all types of residential development in 2018, including ADUs. Although single-family neighborhoods in the City are evolving, staff believes there needs to be a bigger community discussion before any changes are made. Staff is recommending denial of the two amendments.

  Mr. Cohen said staff is proposing an additional amendment (New Item E) to this section having to do with setback requirements for ADUs. As proposed, ADUs that are created by modifying an existing accessory structure would have to meet all of the setback requirements. For example, a

nonconforming existing garage could not be converted to inhabitable space if the nonconformance pertains to the setback. However, an interior wall could be built at the setback. He cautioned that maintaining privacy and safety between properties in single-family neighborhoods is of primary concern.

While he voiced support for the parking requirement, Commissioner Maul said he opposes the owner-occupancy requirement. He questioned if it is fair to limit future ownership to individuals who want to live there. Commissioner Thomas said she supports the owner-occupancy requirement but sees less need for the parking requirement.

Vice Chair Montero asked how the City would enforce the owner-occupancy requirement when properties change hands. Mr. Cohen answered that all ADU's are recorded with King County and attached to the title. Enforcement is done on a complaint basis. He said there is a wide range of ADU options, from renting out space in the basement of a home to creating a separate unit such as a duplex, and the City's current ADU provision falls somewhere in between.

Cindy Dittbrenner, Shoreline, said she lives in the Ridgecrest Neighborhood and has an ADU on her property. She had a roommate when she purchased her home in 2009. She later married and the roommate moved out, but they decided to take out a home equity loan and build an ADU above the garage to provide extra income for them to stay in their home while her husband was in graduate school. He is nearing completion, and they will need to go somewhere else to do post-doctorate work for one to two years. They have built a community in their neighborhood and they would like to return. She doesn't want to sell her house, but she can't afford to move away and just rent out the house and leave the ADU empty. She encouraged the Commissioners to read her proposal, which was attached to the staff report. She said benefits include increasing affordable housing opportunities and maintaining the character of the neighborhood. She hates to see the smaller homes torn down and replaced with larger homes and more cars. Her 1,100-square foot home with a 450-square foot ADU maintains the character of her neighborhood. ADUs allow people to stay on their properties, raising their value so the homes are less likely to be torn down.

Ms. Dittbrenner referred to a number of goals and policies in the Comprehensive Plan that support her proposed amendments. For example, the Housing Element contains goals about providing sufficient development capacity to accommodate 20-year growth, encouraging an appropriate mix of housing choices, and preserving and developing housing throughout the City that addresses the needs of all economic segments. She commented that ADUs provide an ability for people who make less money to live in a single-family house. She specifically referred to Policy H-6, which says, *"Consider regulations that would allow cottage housing in residential areas and revise the Development Code to allow and create standards for a wider variety of housing styles."*

Ms. Dittbrenner advised that the City of Seattle proposed a similar amendment a year ago. Subsequent studies found that the owner-occupancy requirement was a big barrier, along with parking spaces and some other things. A package of code amendments was put forward that included changing the owner occupancy from "in perpetuity" to just "one year." This prevents developers from purchasing small homes, tearing them down, and building giant houses and large ADUs. After a one-year period, both units could be rented out. The City of Seattle allows for two

ADU units on a single property (one attached and one detached). They are currently undergoing a full Environmental Impact Statement (EIS) due to the community of Queen Anne appealing a Determination of Non-Significance (DNS). The only argument that stood ground with the hearing examiner was that three units on the property would increase property values so much it would lead to gentrification. They felt the third unit was the tipping point. On the other hand, she felt that allowing ADUs does the opposite by allowing people to move into a neighborhood knowing they will have more rental income to enable them to afford the mortgage.

Ms. Dittbrenner said she submitted her proposed amendment a year ago, but she just missed the 2016 code amendments. It is discouraging to hear staff's recommendation to put it off for another year.

The Commissioners discussed staff's recommendation that the citizen-initiated amendments be denied until there can a broader community discussion about housing in single-family residential neighborhoods. However, they also asked staff to prepare code language that would change the owner-occupancy requirement to one year. They agreed to discuss the two options further at their next meeting.

- **Amendment 19 (SMC 20.50.020(3)** is a proposal to raise the height in the Mixed Business (MB) zone from 65 to 70 feet to match what was adopted for the Mixed Use Residential (MUR) 70' and Town Center (TC) zones. Mr. Cohen said the additional five feet in the MB zone would give developers more flexibility to add another story or build luxury apartments with higher ceilings.

- **Amendment 22 (SMC 20.50.240)** would delete the requirement for minimum space dimensions on the ground floor in commercial and mixed-use zones. The original code amendment to require 12-foot ceilings was proposed because staff believed that the International Building Code (IBC) required all commercial space that have the greater height. They have since learned it is not an IBC requirement. The Building Official suggests, but does not require, a minimum 10-foot ceiling to allow space for ceiling mechanical equipment to ease conversion to commercial uses. Since the code changed five years ago, almost every developer has requested to depart from the design standards to lower the ceiling height to use the spaces for apartments. From an aesthetic concern, 1st floor frontages require 50% window area and awnings over the sidewalks, and the flexibility to use the 1st floor frontage spaces would remain.

  Commissioner Maul expressed opposition to the proposed amendment. If the space is not developed with 12 to 13-foot ceiling heights, the types of commercial uses that can occupy the space will be limited. He also likes that the ground floor is different because it addresses the street and makes it special and different. He suggested that, rather than requiring a 12-foot ground floor height, perhaps the City could offer a 5-foot overall building height bonus to developers who build to commercial standard. This would maximize future opportunities by providing flexibility for the space to be used for either residential or commercial uses. The remainder of the Commission voiced support for this option.

  Mr. Szafran said the 2nd amendment in this section would strike the provision that if new development is unable to gain access from a side street or alley, an applicant may provide

alternative access through the Administrative Design Review (ADR) process. He explained that the ADR process is meant to address design standards and not access. The provision would be replaced with the following: "*New development in MUR zones on 185th Street and NE 145th Street; and 5th Avenue between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley.*" Mr. Cohen explained that if there is no access from a side street or an alley, the property owner is put in the position of having to negotiate with an adjoining property owner. The proposed amendment will eliminate the ADR process for this standard and make it a requirement for properties to use alley or side street access if available.

Commissioner Maul summarized that, as per the proposed amendment, the City cannot deny a property owner use of his/her property if it is landlocked and does not have access from a side street or alley.

- **Amendment 23 (SMC 20.50.310)** is a citizen-initiated amendment that would require tree protection and retention standards in the MUR-70' zone. Currently, the MUR-70' zone is exempt from the tree conservation, land clearing and site grading section of the code. The applicant has stated that by exempting the MUR-70' zone there will be adverse effects on shade, habitat, climate control, pollution and aesthetics. Mr. Szafran recalled that the Council discussed the issue of trees in the MUR zones at length during the adoption process for both the 145th and 185th Street Station Subarea Plans in 2015. It was determined that tree retention and replacement standards are appropriate in the MUR-35' and MUR-45' zones since they are similar to other residential zones that have the necessary open space to retain and plant new trees. However, the MUR-70' zone is similar to other commercial and mixed-use zones throughout the City and the retention and replacement of trees will make development more difficult. He reminded the Commission that the MUR-70' zone is a more intense residential zone that allows for 90% hardscape coverage and 70' building heights. Staff is recommending denial of the privately-initiated amendment.

  Commissioner Maul commented that the MUR-70' encourages density, and requiring tree retention and replacement will not work well. He noted that landscaping and street trees will be required as part of development in the MUR-70' zone. If the City wants to push it further, he noted that the City of Seattle has a "Green Scoring System" that requires developers to put landscaping on the roof if it cannot all be placed on the ground. But tree retention in the MUR-70 zone makes no sense.

- **Amendment 32 (SMC 20.80.040(C)** has to do with allowed activities in critical areas. The proposed amendment would eliminate the Critical Areas Report requirement for modification of existing, nonconforming structures located in a critical area if the proposed addition is entirely outside the critical area. The amendment would also allow for encroachment into the critical area to perform the work subject to restoration of the area of encroachment to a same or better condition. Commissioner Maul clarified that the proposed amendments would not allow structures to encroach further into the critical area or its buffer.

- **Amendment 34 (SMC 20.80.050)** refers to alterations in critical areas. The provisions in this section clarify that critical areas shall be maintained in their natural state or current, legal condition.

However, more clarification is needed for what that actually means. This clarification is important considering the amount of existing development on relatively small parcels where a critical area may be on the adjacent property and its buffer laps over onto the subject property. Staff is recommending the 1st sentence in this section be expanded to read, *"In general, critical areas and their buffers shall be maintained in their existing state, including undisturbed, native vegetation, to maintain the functions, values resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns."*

- **Amendment 35 (SMC 20.80.080)** has to do with critical area reconnaissance. Mr. Cohen explained that critical areas can be on an adjacent property with the critical area's buffer extending onto the property where development is proposed. Currently, reconnaissance of adjoining properties within 200-300 feet of the subject property is required to be included in the report. When the buffer area extends onto the property where the development is proposed and does not meet the isolated critical area standards, reconnaissance is restricted if a qualified professional is denied access to the property. This is a particular problem in the urban area where lots are smaller and have been previously altered. To illustrate how the provision would be applied, Mr. Szafran provided an aerial photograph of three single-family properties with a stream. Although the stream has not yet been classified, the code requires a delineation and/or Critical Areas Report if the owner of the middle property wants to build an addition to an existing home. The provision clarifies that the City would not force someone to go on the adjacent property to type the stream if access has been denied by the other owner.

  Commissioner Maul asked what the City's alternative approach would be if access is denied. Mr. Cohen said the City would check all the other sources listed for determining whether or not a critical area exists on a property. However, if no additional information is available, the City would not be able to place a requirement on the property in the middle that is separated and has no access to the critical area, itself. He explained that the Critical Areas Map is an overlay over the entire City, and critical areas cross property lines. If administration of the Critical Areas Ordinance is not clear, the City spends a lot of time wrestling with property owners to get the information. Projects can drag out and get very expensive. They must be cognizant of existing land uses that were legally established and seek to maintain the function and values of the buffer, whether it is in a natural state or has been altered over time due to legal land use activity.

  Vice Chair Montero summarized that, basically, the provision allows projects to move forward without being stalled when no good information is available. Commissioner Mork voiced concern that it could be easier for a property owner to suggest that an adjacent property owner not allow access to the stream. Commissioner Maul agreed that is a possible option for the property owner. Regardless, he did not feel that a jurisdiction should have the ability to force someone to allow access to the stream. Commissioner Mork said the flip side is that if there is reason to believe that a stream exists, there would be no requirement to protect it if access is denied.

  Assistant City Attorney Ainsworth-Taylor explained that, under the Growth Management Act, the City is mandated to protect the functions and values of its critical areas. If an applicant proposes to build in an area identified as a potential buffer area, even though the stream has not yet been

typed, the City could deny the building permit until it can justify where the buffer of the stream is to ensure the functions and values are protected. Another option is to apply the maximum buffer for what the stream function is anticipated to be based on areas of the stream that are accessible in other locations. While it may not be possible to access the stream located on an adjacent property, other areas of the stream could be accessed to potentially type it and/or apply the greatest buffer for what they anticipate the buffer for the stream would be.

Commissioner Maul suggested that additional language could be added to require the applicant to hire a biologist to observe the stream from the best location possible and then make a judgment as to the level of the stream. Vice Chair Montero referred to the last sentence in Item 1, which infers that if the critical area cannot be accessed for study, the City will apply the maximum buffer possible. Assistant City Attorney Ainsworth-Taylor pointed out that SMC 20.80.080 clarifies what an applicant must do as part of a reconnaissance study, which is simply a ground study to address whether or not there is a critical area or buffer on the property that might require additional study. If so, a full Critical Areas Report could be required to categorize the critical area. Mr. Cohen reminded the Commission that another amendment would allow an applicant to do a classification and delineation study before doing a Critical Areas Report. The study could be folded into the more detailed report, if required.

Commissioner Mork summarized that the proposed amendment would not result in a situation where the critical areas requirements would not apply to a subject parcel if access to the critical area on an adjacent property is denied. The applicant would be required to use publicly available information. If there is reason to believe that a critical area or buffer exists on the property, the City could apply the Critical Areas Ordinance. Access denial would not negate the critical areas requirements.

- **Amendment 36 (SMC 20.80.090)** is related to buffer area requirements and is related to Amendment 34. Mr. Cohen explained that buffers are required to be undisturbed areas of native vegetation. The intent is that if there has been a previous buffer code violation where an ideal buffer existed, then it should be restored. However, if a previously legally-established use or activity has been in the buffer area, the City does not require restoration. In many cases, buffers are peoples' yards with gardens, lawns, sheds and driveways. Limiting additional development in these buffers or mitigating damage or alteration to native vegetation in order to not impact the critical area makes sense. However, to require that they remove all non-native vegetation and yard uses does not. As per SMC 20.80.050 (Amendment 34), the existing condition of critical areas should be allowed to remain or be mitigated if impacted by the proposed development. To clarify the requirement, staff is recommending that the 3rd sentence be replaced with, *"Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve the protected buffer area."* The amendment would be consistent with proposed Amendment 36, as well.

  Mr. Cohen provided an example of a typical existing neighborhood, where the land uses in the buffer areas include roads, driveways, houses, lawns, etc. As per the amendment, a property owner

would not be required to restore a buffer area to its native condition when doing an addition that does not encroach into the buffer area. If a native vegetation buffer is impacted by the addition, restoration would be required.

Assistant City Attorney Ainsworth Taylor clarified that the purpose and function of the buffer is defined by what you are trying to protect (the functions and values of the existing wetland or stream). Best Available Science (BAS) says that existing vegetation is the best function and purpose for that. She agreed that the Growth Management Act does not require restoration of previously altered or changed areas that now fall within a buffer. However, the more that is learned about critical areas and their functions and values, the greater the buffer requirements have become. But there is no requirement for existing lawns to be replaced with native vegetation. She said she supports deletion of the 2nd sentence, which states that the City would not require a property owner to restore a previously disturbed buffer area. However, the 1st sentence, which describes what a buffer area is, should remain. She explained that when setting a buffer area for proposed development of a site, the City wants to retain the areas that are naturally vegetated.

Vice Chair Montero suggested that the issue is already addressed in Amendment 3. Assistant City Attorney Ainsworth Taylor responded that Amendment 3 addresses the concept of maintaining buffers in their existing state, but Amendment 36 talks more about what a buffer's function and purpose is. She suggested that perhaps the sentence could be changed to read, "*Buffer functions are best served in their natural vegetative state.*"

Commissioner Mork asked how the provision would be applied if a structure burns down and has to be rebuilt. Assistant City Attorney Ainsworth Taylor answered that existing homes situated in a buffer are considered legal and nonconforming. If a home is damaged more than 50% of its value, any replacement would have to conform to current code requirements. That means that the house would have to be moved away from the appropriate buffer. Mr. Cohen added that, if there is insufficient space to reoriented the house, the property owner would have to obtain a Critical Area Special Use Permit to get some flexibility.

Mr. Cohen suggested that the 1st sentence could be modified to say what the purpose of the buffers area is, and then the 2nd sentence could be deleted.

- **Amendment 40 (SMC 20.40.130 and 20.40.150)** deals with shipping containers. Mr. Szafran explained that the current land use tables do not list or address shipping containers, and the City is receiving requests to place them in single-family zones. To clarify the issue, staff would like to amend Tables 20.40.130 and 20.40.150 to add shipping containers as a land use in the land use tables and prohibit them in all residential zones and allow them in all commercial and campus zones subject to design standards.

  Commissioner Maul noted that shipping containers are typically used for storage, but they can also be living spaces and commercial uses, as well. Again, Mr. Szafran pointed out that shipping containers would still be permitted in the commercial zones, subject to design standards. However, the proposed amendment would prohibit the use in residential zones.

Vice Chair Montero pointed out that sometimes storage pods are dropped off at single-family residential homes and then picked up after they have been filled. He asked if it would be possible to allow this type of use, but with a time frame attached. Mr. Cohen agreed that this type of use should be allowed. He said he does not think of these "pod" containers as "shipping containers," but he agreed to look at the definition again.

Commissioner Maul asked why a "shipping container" is being considered a land use. Vice Chair Montero pointed out that a series of shipping containers with separate addresses are located down by the locks in Seattle. Commissioner Maul pointed out that a permit was required for each of the containers, which means that they had to meet the zoning code requirements. While he understands that the containers can be used as a building material, they should not be considered a land use. If the intent is to discourage their use in residential neighborhoods, the containers should be defined as structures that must meet the zoning code requirements. Mr. Cohen responded that the Development Code does not apply design standards to single-family zones. Commissioner Maul agreed, but noted that the setback requirements would still apply.

Mr. Cohen commented that a shipping container is considered storage, and storage is a land use. He suggested that they need to be distinguished from the smaller pods that are typically used in residential neighborhoods. Perhaps they should be defined as accessory structures. Commissioner Maul pointed out that the current code limits the size of a storage shed in the residential zones to 200 square feet, and the setbacks would still apply.

The Commission asked staff to research other ideas for addressing shipping containers.

Commissioner Thomas said she is still unsure about the Commission's direction related to **Amendment 4 (SMC 20.20.024),** which amends the definition of "Hardscape." Mr. Cohen responded that Amendment 4 was pulled from the discussion because more work is needed to address the concerns raised by the Commission.

Commissioner Thomas also referred to **Amendment 5 (SMC 20.20.034),** and asked why there needs to be separate criteria for a microbrewery versus a microdistillery. Why do they need to treat the uses differently based on whether they are a hard spirit or a beer/cider? Why should a microbrewery be allowed to have a restaurant or bar, but a microdistillery could not? While she understands the need to have separate definitions, both should be allowed to have accessory uses. The majority of the Commissioners concurred that the definitions should be more consistent.

Commissioner Maul pointed out that, as proposed, **Amendment 21 (SMC 20.50.040)** would not allow new construction to extend into the setbacks at all. Mr. Cohen said the standard, as it applies to new construction, would remain unchanged, as eaves are not currently allowed to project into the 5-foot required setback. The intent of the amendment it to clarify the exception that allows the eaves on an addition to align with the existing structure.

Mr. Szafran concluded that the amendments will come back to the Commission on October 19th, with the Commission's recommended changes. A public hearing is scheduled for November 2nd.

DIRECTOR'S REPORT

Mr. Cohen announced that the Planning and Community Development Department is moving to the 3rd floor of the City's Administration Building.

Mr. Cohen reported that the City received a building permit application for the post office site. There is currently no information on if and where the post office will relocate, but the City is looking at other sites that could be used as a drop off station. The proposed new project is significant and will include a plaza with two buildings on top of underground parking. Mr. Szafran also reported that the City received a building permit application for a new microbrewery where a veterinary office used to be located. There has also been interest in the roller rink site. One self-storage facility has been approved, and two additional applications are in process. The development permit for a multi-family residential project in Town Center is still valid.

Mr. Cohen said the City recently hired a new planner to work on school district projects. The early learning center at Meridian Park Elementary will be demolished and rebuilt, and an elementary school in North City will be refurbished. It is anticipated that more school projects will come in over the next three years. The new planner will manage all of these projects, as well as Sound Transit projects.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Thomas reported that she and Commissioner Mork attended the American Planning Association Conference, where Miranda Redinger made a presentation that was well received. She also reported that she attended the Passive House Presentation, where she learned it is less about passive house and more about passive building. The movement is picking up speed throughout the United States, and they are now doing prospectuses that look at operating costs five years out.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the agenda for the October 19th meeting will be a continued study session on the Development Code amendments.

ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

William Montero Vice Chair, Planning Commission	Carla Hoekzema Clerk, Planning Commission